had no rules of procedure whatever. After several months of fussing with the chairman of the committee, Senator PAUL DOUGLAS, he appointed me on a subcommittee of two to write the rules. This was done and these rules were adopted in 1955, almost 10 years after the committee had been operating.)

The Supreme Court in the Watkins decision shows a complete ignorance of the history of Congressional procedure and the manner in which Congressional committees operated in the past and in the present. If it looks for formal delegation of authority from the parent group of its committees as is done in the executive branch it will have to look a long time. This is not done and actually would interfere with proper Congressional functioning if it were done. The Supreme Court is naive in trying to make the point that * * * "it is evident that the preliminary control of the committee exercised by the House is slight or nonexistent." It is also making a completely false statement. Every committee must make reports to the House and must come to the House for money to operate. Any committee that goes beyond the bounds of what the House wants is called to task pretty quickly. Actually the Un-American Activities Committee has done what no other committee has done, it has insisted that its authorization and appropriation of funds be approved by record vote in the House. The record votes are there for all to see and only one or two brave souls over a period of years have ever dared vote against the appropriation of the funds the committee requested. And this was after a rather lengthy presentation on the part of the committee on the floor of the House both as to what they had been doing and what they intended to do.

The Watkins decision is so replete with statements made out of ignorance it is difficult to grapple with it on a scholarly basis. I will just point out one more and desist. On page 14 this statement appears: "In the decade following World War II, there appeared a new kind of Congressional inquiry unknown in prior periods of American history." This is untrue, as the statement on page 20 points out: "The authorizing resolution of the Un-American Activities Committee was adopted in 1938 when a select committee under the chairmanship of Representative Dies was created." But even this later statement does not give the real history of the Un-American Activities Committee. The Dies committee was a follower of the select committee set up for the same purposes chaired by the gentleman from Massachusetts, the Honorable JOHN MCCORMACK, now the majority leader of the Democratic Party in the House of Representatives.

Belief in government by laws rather than by men and disbelief in the doctrine that the ends justify the means should be the basis of any group dedicated to civil liberties. I would add another qualifying remark that is implicit in the disavowal of the doctrine that the ends justify the means. Search for the truth is the basis of all true scholarship and leading from ignorance and the tampering with truth is the surest way not only to destroy civil liberies but to stop any advancement into the unknown for mankind.

Yours very truly,

THOMAS B. CURTIS.

SENATE

THURSDAY, MAY 22, 1958

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mercies, in a world swept by violent forces which unaided we cannot control, Thou only art our help and our hope. Through all the mystery of life, Thy strong arm alone can lead us to its mastery. Fronting the clamant duties of these volcanic days, steady our spirits with a realization of untapped power available to servants of Thy will if only they go quietly and confidently about their appointed tasks. Forgive us the distrust of ourselves, of life, and of Thee, and the doubts which besiege us when the heights above us are full of the chariots of God.

As we spend our years as a tale that is told, may it be to the last page a tale of service well done, of tasks faced without flinching, of honor unsullied, and of horizons stretched out as daily we fare forth toward journey's end. Then of Thy great mercy grant us a safe lodging and a holy rest, and peace at the last; through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 21, 1958, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the act (S. 3149) to increase the lending authority of the Export-Import Bank of Washington, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Labor Subcommittee of the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Special Judiciary Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Rivers and Harbors Subcommittee of the Committee on Public Works was authorized to meet during the session of the Senate today.

LEAVE OF ABSENCE

Mr. THYE. Mr. President, I ask unanimous consent to be absent from the Senate next Monday. I am a delegate to the World Health Conference, which convenes in Minnesota. It is the first World Health Conference to be held in the United States, and it convenes on Monday, May 26. As a delegate I will be in attendance. I therefore ask unanimous consent to be absent from the Senate during the period of days of this World Health Conference beginning on Monday.

The VICE PRESIDENT. Without objection, leave is granted.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Under the rule, there will be the usual morning hour, and I ask unanimous consent that statements be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Rear Adm. Edward H. Thiel, to be Engineer in Chief of the United States Coast Guard, which was referred to the Committee on Interstate and Foreign Commerce.

The VICE PRESIDENT. If there be no reports of committees, the nominations on the calendar will be stated.

POST OFFICE DEPARTMENT

The Chief Clerk read the nomination of Herbert B. Warburton, of Delaware, to be General Counsel of the Post Office Department.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of Andrew McCaughrin Hood, of the District of Columbia, to be an associate judge of the Municipal Court of Appeals for the District of Columbia for a term of 10 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the postmaster nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the postmaster nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

President be notified immediately of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

PURCHASE OF FLORAL WREATHS TO BE PLACED ON THE REMAINS OF THE UNKNOWN SOLDIERS OF WORLD WAR II AND THE KOREAN WAR

Mr. JOHNSON of Texas. Mr. President, for myself and the distinguished minority leader, I submit a concurrent resolution, and ask unanimous consent for its immediate consideration.

The resolution is self-explanatory. It authorizes the purchase of floral wreaths by the Sergeants at Arms of the two Houses. On Wednesday, May 28, these wreaths will be placed upon the catafalques bearing the remains of the Unknowns of World War II and Korea, one wreath to be placed thereon by the Vice President, and one by the Speaker of the House of Representatives.

A similar resolution was adopted on November 2, 1921, after which a wreath was placed upon the remains of the unknown soldier of World War I.

I send the concurrent resolution to the desk, and request that it be read.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 90), submitted by Mr. JOHNSON of Texas, for himself and Mr. KNOWLAND, was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are each hereby authorized and directed to purchase a floral wreath to be placed by the catafalques bearing the remains of the Unknowns of World War II and Korea which are to lie in state in the rotunda of the Capitol of the United States from May 28 to May 30, 1958, the expenses of which shall be paid from the contingent funds of the Senate and the House of Representatives, respectively.

The VICE PRESIDENT. Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of April relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO CERTAIN MEDALS

A letter from the Acting Secretary, Department of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to certain medals (with an accompanying paper); to the Committee on Armed Services.

REPORT PRIOR TO RESTORATION OF BALANCE, NATIONAL BUREAU OF STANDARDS

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report prior to restoration of balance, National Bureau of Standards, as of March 31, 1958 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF AIRCRAFT INSPECTION AND REPAIR CONTRACTS, AIR MATERIEL FORCE, EUROPEAN AREA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of aircraft inspection and repair contracts, Air Materiel Force, European Area, dated May 1958 (with an accompanying report); to the Committee on Government Operations.

STABILIZATION PAYMENTS TO PRODUCERS OF CERTAIN ORES

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to stabilize production of copper, lead, zinc, acid-grade fluorspar and tungsten from domestic mines by providing for stabilization payments to producers of ores and concentrates of these commodities (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON FRESH OR FROZEN YELLOWFIN, SKIPJACK, AND BIGEYE TUNA

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on fresh or frozen yellowfin, skipjack, and bigeye tuna, dated May, 1958 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON ACTIVITIES AND TRANSACTIONS UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration on the activities and transactions under the Merchant Ship Sales Act of 1946, from January 1, 1958, through March 31, 1958 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted at an assembly of the New England District of the Knights of Lithuania, at Ansonia, Conn., relating to Lithuanian independence; to the Committee on Foreign Relations.

The petition of Winnie Williamson, of Mount Edgecumbe, Alaska, praying for the enactment of legislation to provide statehood for Alaska; ordered to lie on the table.

The petition of Mrs. Cecil W. Jones, of Weinert, Tex., relating to increased postage rates, and so forth; ordered to lie on the table.

A resolution adopted by the Board of Supervisors of the County of Maui, T. H., favoring the enactment of legislation to prohibit the distribution, through the mail, or otherwise, of all obscene literature and pictures; ordered to lie on the table.

By Mr. GREEN (for himself and Mr. PASTORE):

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Appropriations.

"Resolution memorializing the President of the United States, the Secretary of the Navy, and Congress with respect to the proposed layoff of civilian employees from the United States Naval Air Station at Quonset Point, R. I., and the United States Naval Underwater Ordnance Station at Newport, R. I.

"Whereas the present policy of the Federal administration is to allocate more work to critical unemployment areas; and

"Whereas Rhode Island is in such a critical unemployment area; and

"Whereas the Department of the Navy of the United States has announced plans to further lay off civilian employees from the United States Naval Air Station at Quonset Point, R. I., and the United States Naval Underwater Ordnance Station at Newport, R. I.; and

"Whereas the announced layoffs following the recent layoff give rise to the fears that these installations may be abandoned; and

"Whereas such cutbacks in employment would have a serious effect on the economy of Rhode Island; and

"Whereas it is paradoxical that the services performed by these two stations are economically superior to those performed by private enterprise by skilled labor which has no superior; and

"Whereas the skills acquired by such civilian employees would best be served by the continuance of the program at these two stations, and would otherwise be dispelled; and

"Whereas it would be in the best interest of the Federal Government to maintain said stations and make use of such experienced and skilled personnel: Now, therefore, be it

"*Resolved*, That the Secretary of the Navy of the United States be and he is earnestly requested by the General Assembly of the State of Rhode Island to reconsider and abandon his plans for the further layoff of civilian employees from the United States Naval Air Station at Quonset Point, R. I., and the United States Naval Underwater Ordnance Station at Newport, R. I., and exhaust every effort to bring the ceiling of employment at both installations up to the 1957 level; and be it further

"*Resolved*, That the appropriations committee of the House of Representatives and of the Senate of the United States fully scrutinize any further curtailment in the employment or workload at said installations; and be it further

"*Resolved*, That the present Federal administration in the interest of economy should appraise its existing activities as to cost of operations of said installations compared with private enterprise, as well as the geographical locations of other naval air stations and installations; and be it further

"*Resolved*, That duly certified copies of this resolution be transmitted by the secretary of state to the President of the United States, the Secretary of the Navy of the United States, to the chairmen of the appropriations committees of the House of Representatives and of the Senate of the United States and to the Senators and Representatives from Rhode Islands in the Congress of the United States."

NATIONAL MONUMENT AT GRAND PORTAGE, MINN.—LETTER

Mr. THYE. Mr. President, earlier in this session of the Congress I introduced a bill, S. 3362, to establish a national monument at Grand Portage, Minn. The bill is pending in the Committee on Interior and Insular Affairs. The com-

mittee has not been in position to act on my bill because they are awaiting a report from the Department of Interior. It is my hope, however, that this bill will be enacted during this session, so that the project may be started during Minnesota's centennial year.

To illustrate the support which local interests have expressed for this project, I ask unanimous consent that a letter which I have received from the clerk of the village of Grand Marais, Minn., be printed in the RECORD at this point in my remarks and be appropriately referred to the committee for consideration.

There being no objection, the letter was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

VILLAGE OF GRAND MARAIS,
Grand Marais, Minn., May 20, 1958.

Senator EDWARD THYE,
Congressman JOHN A. BLATNIK,
Washington, D. C.

GENTLEMEN: We the members of the village council are in full accord that Grand Portage should have a national monument, and since we as a county are to have our centennial celebration to coincide with that of the State, in the first part of August.

At present we are all working hard to make this celebration one of the most outstanding for the State inasmuch Grand Portage is known to have been under four different flags in its past history.

Invitations are extended to all parts of the State as well as Canada to help us celebrate.

It would therefore be most fitting that we endorse the above bill and compliment the author of same.

With kindest personal regards, I remain,
Sincerely yours,
E. F. LINDQUIST, *Clerk.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Finance, without amendment:

H. R. 12065. An act to provide for temporary additional unemployment compensation, and for other purposes (Rept. No. 1625).

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO TRANSFER OF 1958 FARM ACREAGE ALLOTMENTS FOR CERTAIN COTTON—REPORT OF A COMMITTEE

Mr. ELLENDER, from the Committee on Agriculture and Forestry reported an original bill (S. 3890) to amend the Agricultural Adjustment Act of 1938, as amended, to permit the transfer of 1958 farm-acreage allotments for cotton in the case of natural disasters, and for other purposes, and submitted a report (No. 1626) thereon, which was ordered to be printed; and the bill was read twice by its title, and placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON:

S. 3881. A bill to amend the Atomic Energy Act of 1954, as amended, to provide for the release of source material reservations contained in conveyances of public and acquired lands, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MURRAY (by request):

S. 3882. A bill to amend the act of July 1, 1948, chapter 791 (24 U. S. C. 279a), providing for the procurement and supply of Government headstones and markers; to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 3883. A bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART:

S. 3884. A bill for the relief of Pierre Bertagnolio; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 3885. A bill to increase by $400 million the borrowing authority of the Housing and Home Finance Agency for college housing loans; to the Committee on Banking and Currency.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3886. A bill to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury; to the Committee on Banking and Currency.

By Mr. THURMOND (for himself, Mr. BENNETT, Mr. BUTLER, Mr. LONG, Mr. MORTON, and Mr. PROXMIRE):

S. 3887. A bill to amend the Civil Aeronautics Act of 1938 with respect to the ratemaking elements for the transportation of mail by air carriers; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. THURMOND when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 3888. A bill to provide for an effective system of personnel administration for the executive branch of the Government; to the Committee on Post Office and Civil Service.

By Mr. MUNDT (for himself and Mr. MCCLELLAN):

S. 3889. A bill to amend chapter 47 of title 18 of the United States Code to prohibit the receipt of fees in connection with the execution of contracts for the rendition of certain services connected with the sale of real property in interstate or foreign commerce which have been induced by fraudulent misrepresentations, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER:

S. 3890. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit the transfer of 1958 farm acreage allotments for cotton in the case of natural disasters, and for other purposes; placed on the calendar.

(See reference to the above bill when reported from the Committee on Agriculture and Forestry, by Mr. ELLENDER, which appears under the heading "Reports of Committees."

CONCURRENT RESOLUTION

Mr. JOHNSON of Texas (for himself and Mr. KNOWLAND) submitted a concurrent resolution (S. Con. Res. 90) authorizing the purchase of floral wreaths to be placed in the rotunda of the Capitol for the ceremonies in connection with the Unknown Soldiers, which was considered and agreed to.

(See the remarks of Mr. JOHNSON of Texas when he submitted the above concurrent resolution, which appear under a separate heading.)

RESOLUTION

INVESTIGATION OF ASYLUM WITHIN THE UNITED STATES OF ERNESTO ROMULO BETANCOURT

Mr. CURTIS submitted the following resolution (S. Res. 309), which was referred to the Committee on the Judiciary:

Resolved, That the Internal Security Subcommittee of the Senate Committee on the Judiciary is authorized to investigate the asylum afforded Ernesto Romulo Betancourt, a Venezuelan national, within the United States and its Territorial possessions, since 1950, for the purpose of determining whether, during such asylum, matters involving the internal security of the United States may have been affected by the aiding or abetting, in any degree or manner whatsoever, of a possible conspiracy to overthrow an existing government of another American state.

PROPOSED MARKETING FACILITIES IMPROVEMENT ACT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a marketing facilities improvement bill, to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities.

Mr. President, this is a companion measure to H. R. 4504, favorably reported by the House Committee on Agriculture, and, with slight modifications worked out by the House committee, the same bill which I introduced as S. 1075 in the first session of the 84th Congress on February 15, 1955.

The proposed legislation is the outgrowth of long and careful study by marketing specialists in the Department of Agriculture, and painstaking and persistent work by Chairman HAROLD COOLEY of the House Committee on Agriculture.

Work in this direction by marketing specialists in the Department of Agriculture dates back to the administration of our colleague, Senator ANDERSON of New Mexico, as Secretary of Agriculture. Similar legislation was approved by the House in 1950, but failed for lack of action in the Senate due to the lateness of the session.

I am reintroducing the measure today because I do not want that to happen again. The measure is now on the House calendar, with early action expected. I expect it to be approved. I want a similar measure before our Senate Committee on Agriculture for immediate consideration.

From sources within the wholesale fruit and vegetable trade, I am informed that many major cities of our country are eager to undertake substantial improvement projects if this legislation is enacted.

It is the purpose of the proposed act to facilitate, encourage, and assist municipalities and political subdivisions of

States, public agencies, and instrumentalities of one or more States or municipalities, public corporations and boards, and private enterprise, in the creation and development of modern and efficient public wholesale markets for the handling of perishable agricultural commodities in areas where such markets are found to be needed, and where Federal assistance is requested and authorized as prescribed in this act. Our aim is that unnecessary costs and burdens attendant with the marketing of perishable agricultural commodities, caused by inadequate or obsolete facilities, may be eliminated, and that the spread between the amount received by producers and the amount paid by consumers may be reduced. We hope that purpose can be achieved through use of insured mortgages under a revolving fund created by this act.

Marketing of perishable agricultural commodities affects the public welfare, and is quite properly a matter of grave national concern.

Vast quantities of fruits, vegetables and other perishable agricultural commodities shipped from various producing areas located throughout the United States and foreign countries pass through and are handled in public marketing facilities located in large consuming areas, which are, in most instances, inadequate and obsolete. The handling of perishable agricultural commodities in such facilities results in many uneconomic practices, greatly increasing costs and causing undue losses, excessive waste, spoilage and deterioration, that in turn, causes producers to receive prices far below the reasonable value of their products, unduly and arbitrarily enhances costs of operations in such markets, and increases the price of food to consumers.

The prices of all perishable farm commodities are directly affected by the prices made on these public markets, and are adversely affected by the unduly burdensome costs resulting from obsolescent and inadequate facilities. Such antiquated facilities create an undue restraint and unjust burden on interstate commerce, and make it imperative that appropriate measures be taken to free such commerce from such burdens and thereby protect producers and consumers alike against oppressive costs.

Modern facilities would make possible the saving of millions of dollars annually, by removing the cause of many of the unnecessary costs and burdens.

In spite of the great need for improved facilities, efforts in the past have failed to bring about a satisfactory solution to the problem. This failure has been due largely to the inability of farmers, dealers, brokers, commission merchants and others, individually or collectively, to obtain through regular financial channels the relatively large amounts of capital necessary for the construction of modern facilities.

As a result, my bill proposes conferring upon the Secretary of Agriculture power to aid in the establishing of such public marketing facilities for the wholesale handling of fresh fruits and vegetables, poultry, eggs, dairy products, and other perishable agricultural commodities and seafood, as will be conducive to orderly and efficient distribution, increased consumption, and a reduction in the spread between prices paid by consumers and those received by farmers.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3883) to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

INCREASED BORROWING AUTHORITY FOR COLLEGE HOUSING LOANS

Mr. FULBRIGHT. Mr. President, I introduce for appropriate reference a bill to increase by $400 million the authority of the Housing and Home Finance Agency to make college housing loans. On February 3 of this year I introduced Senate bill 3213, which proposed to increase this loan fund by $250 million. Since that time, additional information has come to my attention which persuades me that a $250 million increase would be inadequate. I refer particularly to testimony received in the Housing Subcommittee of the Banking and Currency Committee on May 21, 1958, from national leaders in the field of higher education.

The statement by John T. Caldwell, president of the University of Arkansas, on behalf of the American Association of Land-Grant Colleges and State Universities, and on behalf of the State Universities Association, has convinced me that an additional $400 million is required to maintain this loan fund at a minimum level of usefulness.

I quote for the information of the Senate a statement made by Father Edward B. Bunn, president of Georgetown University, representing the Association of American Colleges. Father Bunn stated that—

> It is no exaggeration to say that, without the Federal loans, these colleges would not have been able to play their part in meeting the rising demand of American youth for higher education, and that they cannot be expected to meet the still higher demand forecast for future years unless they can continue to get loans on substantially similar terms.

Enrollment in our colleges and universities, if continued without any stimulation as contemplated by other bills now before the Congress, will double by 1965, and is expected to reach 6 million at that time. In my opinion, there is no more urgent activity of the Federal Government than this college housing loan program. I must emphasize that these are loans and not grants, and that the Federal Government can make no wiser investment.

The Banking and Currency Committee will be considering bills on this subject within the next several days, and it is my purpose to advocate vigorously an increase of $400 million in the college housing loan program.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3885) to increase by $400 million the borrowing authority of the Housing and Home Finance Agency for college housing loans, introduced by Mr. FULBRIGHT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF UNITED STATES CODE, RELATING TO PROHIBITION OF RECEIPT OF CERTAIN FEES

Mr. MUNDT. Mr. President, as a member of the Senate Committee on Government Operations, let me say that a part of the function of the committee is to work with the various Government agencies which are involved in the administration of public affairs, the enforcement of laws, and the general good behavior of the Government, and to study the adequacy of the laws which deal with problems which arise among the private citizenry.

We have had brought to our attention the fact that over a period of some time there has been operating a racket by means of which groups of alleged salesmen and organizations, that are alleged to be effective in the merchandising of various business establishments, have been collecting millions of dollars fraudulently from innocent and unsuspecting American businessmen. Such persons and groups have done so by going into various communities and finding businessmen who wish to dispose of their property, making contracts with them, collecting substantial fees from them, assuring them that they will find purchasers for their property, or at least will make a diligent effort to do so, and then performing virtually no service whatsoever.

The Federal Trade Commisison has issued cease-and-desist orders against a number of these persons and groups. However, as soon as one is eliminated, a new one springs up, to take its place, and usually is comprised of many of the same persons who operated in the original organization.

In order to try to strike at this racket, I have held conferences with the staff of our subcommittee, with members of the Federal Trade Commission, and with the Senate Legislative Counsel; and at this time I introduce, on behalf of myself and the Senator from Arkansas [Mr. MCCLELLAN], a bill which we believe will provide adequate penalties which will prevent a continuance of this type of racket.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3889) to amend chapter 47 of title 18 of the United States Code to prohibit the receipt of fees in connection with the execution of contracts for the rendition of certain services connected with the sale of real property in interstate or foreign commerce which have been induced by fraudulent misrepresentations, and for other purposes, introduced by Mr. MUNDT (for himself and Mr. MCCLELLAN), was received, read

twice by its title, and referred to the Committee on the Judiciary.

Mr. MUNDT. Mr. President, we are hopeful that the Senate Permanent Subcommittee on Investigations, under the chairmanship of the Senator from Arkansas [Mr. McCLELLAN], will hold hearings for the purpose of considering this proposed legislation, for the purpose of bringing before the public a complete disclosure of what has been happening, and for the purpose of providing proper remedial steps.

Mr. President, I ask unanimous consent that the text of the bill, which is very brief, be printed at this point in the RECORD.

There being no objection, the bill (S. 3889), introduced by Mr. MUNDT, on behalf of himself and Mr. McCLELLAN, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) chapter 47 of title 18 of the United States Code (entitled "Fraud and False Statements") is amended by adding at the end thereof the following new section:

"§ 1027. False representations incident to certain sales.

"(a) Whoever, being a person engaged or purporting to be engaged, on his own account or for or on behalf of any other person, in the business of obtaining listings, selling advertising, or rendering any other service incident to the sale of property to purchasers residing in any State other than the State in which such property is situated or in any foreign country—

"(1) for the purpose of inducing the owner of any interest in real property to enter into any contract authorizing such person to render any such service incident to the sale of such interest, makes or procures the making of any oral or written false representation to such owner with respect to the nature or extent of the services to be rendered by any such person under such contract, with knowledge that such representation is false or misleading, or with intent to deceive or defraud such owner;

"(2) executes, for himself or for or on behalf of any other person, a contract under which any such person is authorized by the owner of such interest to render any such service incident to the sale of such interest; and

"(3) receives, for himself or for or on behalf of any other person, from such owner for or in connection with the execution of such contract, any money or any other thing of value,

shall be fined not more than $5,000, or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) The term 'State' means any State or Territory of the United States, the District of Columbia, the Panama Canal Zone, or the Commonwealth of Puerto Rico.

"(2) The term 'person' means any individual, partnership, corporation, association, or other legal entity."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1027. False representations incident to certain sales."

Mr. MUNDT. Mr. President, let me say to my colleagues in the Senate, and also to my colleagues in the House of Representatives, that if they have received from their communities evidence which deals with this particular racket, which is fleecing honest people and legitimate businesses out of millions of dollars a year, I hope they will provide it either to the Senator from Arkansas [Mr. McCLELLAN] or to me, so we may have additional "grist for the mill" when the time to hold hearings comes, and, before then, so that we may place such evidence into the hands of our investigators, so they may see whether we can stamp out of our economic environment this reprehensible practice and this high-pressure method of fleecing good Americans out of their hard-earned tax-paying dollars.

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT, RELATING TO STATE RETIREMENT SYSTEMS—AMENDMENT

Mr. WILEY. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H. R. 11346) to amend title II of the Social Security Act to include Massachusetts among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, now pending before the Committee on Finance.

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on Finance.

Mr. WILEY. Senators will recall, the Congress in 1956 enacted the Byrnes-Wiley bill to extend the privilege of social security coverage to persons under certain retirement plans.

Unfortunately, the task of clarifying the local, State, and Federal factors involved, as well as other problems, has prevented a number of persons from taking advantage of the opportunity to participate in the social security program. As a result, these persons are now excluded.

In Wisconsin, for example, a number of retirement systems are involved, including: the State teachers' retirement system; the Milwaukee teachers' annuity and retirement fund; the Milwaukee County employees retirement system; and the employees retirement system of the city of Milwaukee. According to estimates, about 18,000 persons under these particular systems—many of whom indicate a desire for OASI coverage—are now excluded from that coverage.

The purpose of my amendment is to provide that up to December 31, 1959, the persons now excluded may be given an opportunity to secure coverage.

I believe it would be only fair to extend the time, so that these persons, if they choose, can be covered under OASI. In effect, this would give coverage to persons with qualifications similar to those of persons who now are eligible.

As will be recalled, the House-passed bill, H. R. 11436—which my amendment proposes to amend—also aims at liberalizing eligibility provisions for social security coverage. It would extend the privilege of social security coverage to employees under State and local retirement plans in the State of Massachusetts.

Both the amendment I am submitting and House bill 11346 would amend section 218 (d) (6) of title II of the Social Security Act.

I call attention to the fact that the proposed amendments would also provide opportunity, but not compulsion, for employees in other States, including Florida, Georgia, Pennsylvania, Rhode Island, and Tennessee, to be covered by social security. Therefore, I cordially invite the Senators from these States to support this amendment.

I respectfully urge my colleagues on the Finance Committee to take early action on this measure. Following such action, I hope Congress will take favorable action as early as possible.

Mr. President, I request unanimous consent to have printed at this point in the RECORD letters endorsing this amendment, from Frederick N. MacMillin, director of Wisconsin's Public Employees Social Security Fund; H. C. Weinlick, executive secretary of the Wisconsin Education Association; Ruth A. Poehlman, Secretary of the special pension study committee of the common council of the employees retirement system of the city of Milwaukee; and a resolution adopted by the common council of the city of Milwaukee.

There being no objection, the letters and resolution were ordered to be printed in the RECORD, as follows:

THE STATE OF WISCONSIN,
Madison, May 16, 1958.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: We are very anxious to secure your assistance on a matter which is not only of interest to Wisconsin but which also has the endorsement of comparable state offices in Pennsylvania, New York, Rhode Island, Georgia, Florida, Tennessee, and New Jersey.

In order to provide bipartisan sponsorship bills to accomplish the desired objective have been introduced by Congressman JOHN W. BYRNES (H. R. 12114) and Congressman HERMAN P. EBERHARTER, of Pennsylvania (H. R. 11935).

What worries us now is that because of the pressure of urgent matters before Congress there may not be time enough to get this bill through both Houses.

* * * * *

We would appreciate any help that you can give in accomplishing the desired objectives.

* * * * *

Very truly yours,
FREDERICK N. MACMILLIN,
Director, Public Employees Social Security Fund.

WISCONSIN EDUCATION ASSOCIATION,
Madison, Wis., May 19, 1958.

The Honorable ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: The Wisconsin Education Association is very interested in legislation which would provide an opportunity for those teachers who did not choose OASI last May to have another chance to elect such coverage. Several other States, Pennsylvania, New York, Rhode Island, Florida, Georgia, Tennessee, and New Jersey, are also seeking such legislation.

Congressman JOHN W. BYRNES has introduced H. R. 12114 and Congressman HERMAN P. EBERHARTER, of Pennsylvania, has introduced an identical bill, H. R. 11935. These two bills were introduced to insure bipartisan sponsorship.

I fear these two bills may not get to the floor for final action because of pressure of other urgent matters.

* * * * *

Your assistance and support in this matter will be appreciated.

Sincerely yours,

H. C. WEINLICK,
Executive Secretary.

(Officers for 1958: President Gilbert L. Anderson, Beaver Dam; President-elect Irene Hoyt, Janesville; Vice President Donald C. Hoeft, Jefferson; Vice President Howard C. Koeppen, Platteville; Vice President Paul F. Schwandt, Oshkosh; Executive Secretary H. C. Weinlick, Madison; Treasurer P. M. Vincent, Stevens Point. WEA convention November 6–8, 1958.)

(Executive committee: Allan A. Anderson, Hudson, district I; Alma Therese Link, Oshkosh, district II; D. E. Field, La Crosse, district III; Ralph Lenz, Berlin, district IV; Donald E. Upson, Janesville, district V; Ellen Case, Milwaukee, district VI; Gilbert L. Anderson, Beaver Dam; Irene Hoyt, Janesville; Donald C. Hoeft, Jefferson; Howard C. Koeppen, Platteville; Paul F. Schwandt, Oshkosh; Leroy Peterson, past president, Madison.)

EMPLOYEES' RETIREMENT SYSTEM
OF THE CITY OF MILWAUKEE,
Milwaukee, Wis., May 8, 1958.

Hon. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

DEAR SENATOR WILEY: There is forwarded herewith copy of a resolution adopted by the common council of the city of Milwaukee.

We have been informed that bill H. R. 12114 will accomplish the objective contained in the enclosed resolution.

We respectfully request your support of this or any other similar legislation introduced in the Senate.

Very truly yours,

SPECIAL PENSION STUDY COMMITTEE
OF THE COMMON COUNCIL.
RUTH A. POEHLMANN, *Secretary.*

"Resolution requesting Congress to enact suitable legislation which would provide an opportunity to members of the employees' retirement system presently excluded to participate in the coordinated plan

"Resolved by the common council, That it hereby favors the enactment of Federal legislation which would provide an opportunity to members of the employees' retirement system to participate under the coordinated plan who did not elect to come under the coordinated plan heretofore; and be it further

"Resolved, That the common council respectfully requests Congress to enact suitable legislation to accomplish the objective contained in this resolution; and be it further

"Resolved, That the special pension study committee is hereby authorized to confer with Congressional representatives from the State of Wisconsin and city of Milwaukee, and to participate in the preparation of such legislation and to appear at hearings either before the House or Senate committee in connection with such proposed legislation; and be it further

"Resolved, That a certified copy of this resolution be forwarded to congressional representatives, the 2 Senators from Wisconsin and the 2 Congressmen from the city of Milwaukee."

I hereby certify that the foregoing is a copy of a resolution adopted by the common council of the city of Milwaukee on April 14, 1958.

STANLEY J. WITKOWSKI,
City Clerk.

FEDERAL AVIATION ACT OF 1958—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 21, 1958, the names of Senators O'MAHONEY, COTTON, DOUGLAS, KERR, KEFAUVER, CASE of New Jersey, PROXMIRE, JAVITS, PASTORE, SYMINGTON, BRICKER, and SPARKMAN were added as additional cosponsors of the bill (S. 3880) to create an independent Federal Aviation Agency, to provide for the safe and efficient use of the airspace by both civil and military operations, and to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety, introduced by Mr. MONRONEY (for himself and other Senators) on May 21, 1958.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. PAYNE:

Statement prepared by him regarding Maritime Day.

REGISTER OF DAMS IN THE UNITED STATES

Mr. MURRAY. Mr. President, there has just come to my attention a Register of Dams in the United States, the first compilation of this character which has been undertaken.

The publication is sponsored by the United States Committee of the International Commission of Large Dams. T. W. Mermel is chairman of the Committee on the Register of Dams, and the compilation is largely the product of his ingenuity and resourcefulness in gathering the data. Mr. Mermel is assistant to the Commissioner, Engineering, Bureau of Reclamation, Department of the Interior.

The registry includes nearly 3,000 dams constructed, under construction, or authorized, in practically all the 48 States of the Union. It is interesting to note that from 25 to 30 percent of the dams listed were constructed by municipalities for domestic water supply. From 20 to 25 percent were sponsored by private utilities for hydro-electric production. In the 17 Western States, approximately 500 were constructed by non-Federal irrigation districts for the storage of water for irrigation.

The United States Government, through the Bureau of Reclamation in the arid West, and through the Corps of Engineers in many other States, has constructed between 700 and 800 dams for multiple purposes—irrigation, flood control, and aid to navigation.

Individual States have constructed 100 or more dams for conservation and recreation purposes.

The Register includes about 300 photographs of dams and reservoirs in many States. The West, particularly Montana, is impressed by the prominence given federally constructed multiple-purpose dams, such as Hungry Horse, Mont.; Hoover, Ariz.-Nev.; Grand Coulee, Wash.; Shasta, Calif., and many others.

The total reservoir capacity behind the nearly 3,000 dams listed is about 400 million acre-feet. This capacity, if filled, would cover with water to a depth of 1 foot an area equivalent to two-thirds of that of the 17 Western States.

A feature of the publication is a summary of State laws respecting the regulation of dams.

The members of the Committee on Interior and Insular Affairs consider the Register of Dams in the United States an important contribution to information on water development in the United States.

AID TO EDUCATION LEGISLATION

Mr. PROXMIRE. Mr. President, this morning's newspapers report that the House Education Committee yesterday rejected the administration's 1957 school-construction bill. The newspapers opine that this means the end, this year, of prospects for any new program of Federal assistance for primary or secondary education.

Mr. President, I earnestly hope and pray that this opinion will not prove to be correct. The Congress has no more vital responsibility than to enact laws which will assist American education. There has never been a time when the American people have been more willing than they are today to improve our educational system. There has never been a time when the military, economic, social, and moral problems of the world more desperately need the enlightenment that education can bring. There has never been a time when America has had the human and material resources more ready, willing, and able to provide the educational system which the times call for and which this Nation so urgently needs. If the hour for education is ever to come in this country, it should come now. Under these circumstances Mr. President, it would be a tragedy and a failure of the first rank if Congress should indeed fail to rise to its prime responsibility and pass substantial educational measures during this session.

IMPORTATION OF RUBBER-SOLED FOOTWEAR

Mr. BUSH. Mr. President, I wish to say a word about the unfinished business, House bill 9291, to define parts of certain types of footwear.

The bill was reported unanimously by the Finance Committee, and is designed to close a loophole in the classification of imports of rubber-soled footwear.

The purpose of House bill 9291 is to clarify and define certain sections of the tariff law pertaining to footwear; in particular, those sections relating to rubber-soled footwear with uppers of fabric or related material.

In common parlance, such footwear is called a "sneaker," and is used by our children, and by our athletes generally throughout the United States for games and leisure wear. It is a very widely known form of footwear.

Enactment of House bill 9291 will result in some revision of the paragraph of the Tariff Act, paragraph 1530 (e), relating to the importation of such footwear, by broadening its scope so as to include rubber-soled footwear with fabric uppers whether or not such footwear in-

cludes patches, tongues, eyelets, or similar parts of leather. Duties on rubber-soled footwear are somewhat higher than the import duties on leather types and these higher duties have been avoided in some instances by the addition of sufficient small amounts of leather to put them in the leather-shoe category for import purposes, although the basic nature and function of the shoe remain unchanged. The purpose of the bill is to stop this evasion of the certain intent of the law.

I wish more Senators were present. I could show them an imported sneaker, which is, to all intents and purposes, made just like the United States Rubber Ked. In fact, it imitates the Ked in practically every respect, but the imported article has been coming into this country under the leather classification because of a leather insertion in the tongue of the shoe. By this device foreign producers have been able to get a classification which permits the sneaker to come into this country under a tariff of 20 percent, rather than the statutory 35 percent, which is intended for rubber-soled footwear.

It is to close that loophole that the House Ways and Means Committee unanimously recommended the bill to the House. The House passed the bill without opposition. Our own Committee on Finance had hearings on the bill. I believe the committee was unanimously in favor of the measure. So I hope the Senate will pass the bill without undue delay.

Mr. PURTELL. Mr. President, I should like to join my colleague in expressing pleasure that the bill has been reported by the Finance Committee unanimously. The bill carries out the intent of Public Law 479, which was enacted in 1954. It carries out the spirit of the amendment proposed at that time, as well as the letter of the law. The bill gives some degree of protection against devices employed by some producers to avoid the law. I am very happy to know the bill has been reported unanimously by the Senate committee. I anticipate no difficulty in the bill's passing the Senate.

Mr. CARLSON. Mr. President, I wish to state, as a member of the Finance Committee, that I was present and heard some of the testimony in regard to the pending bill. I know of the interest of both the junior Senator and the senior Senator from Connecticut in this particular proposed legislation.

After hearing all the testimony of the witnesses who appeared, it was not only the opinion of the committee that the bill should be reported, but it sincerely hopes the bill will be passed today.

Mr. PURTELL. I thank the Senator. I am very happy to know the action of the committee was as stated.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTATION OF RUBBER-SOLED FOOTWEAR

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 9291) to define parts of certain types of footwear.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 9291) to define parts of certain types of footwear, which had been reported from the Committee on Finance with an amendment on page 2, line 22, after the word "than", to strike out "July 1" and insert "September 1,".

Mr. JOHNSON of Texas. Mr. President, I understand the Senator from Delaware [Mr. FREAR] is prepared to make a brief statement on the bill, and that the Senator from New York [Mr. JAVITS] desires to ask a question or two. While the Senator from Tennessee [Mr. GORE] is present on the floor, along with the Senator from Delaware, if my friends will indulge me I should like to have the statement made and any questions answered while the Senators who are members of the committee are on the floor.

Mr. FREAR. Mr. President, on behalf of the Chairman of the Committee on Finance I should like to submit an analysis of H. R. 9291, relating to rubber-soled footwear.

Rubber-soled footwear with fabric uppers is generally dutiable on American selling price, which, of course, is somewhat higher than foreign value. Leather shoes are not dutiable on American selling price, and therefore it is to the advantage of importers to be able to have their goods classified as leather shoes rather than rubber-soled shoes with fabric uppers.

The law states that the higher duty applies to shoes having soles wholly or in chief value of rubber and uppers wholly or in chief value of textile or similar material. It was found by foreign producers that they could have their shoes classified as leather shoes by inserting a thin slip of leather between the inner and outer sole, even though the walking surface was rubber and the shoe was known as a sneaker or basketball type shoe. Congress took care of that situation 3 or 4 years ago.

Then the foreign manufacturers found that the use of small amounts of leather in the tongue, or around the eyelets, or patched somewhere on the side would accomplish the same purpose as had the leather sole. Congress is now called upon to correct that situation, and this bill is so designed. It designates that uppers composed in greater area of the outer surface of wool, cotton, and so forth, rather than the criteria of chief value shall be the basis on which the shoe shall be judged for duty purposes. It is figured that if the foreign manufacturer decides to add enough leather to cover the major part of the area of the shoe he will have added sufficient to the cost of production to offset the saving he might otherwise make in the payment of duty.

There can be little doubt that this bill is in the nature of a perfecting amendment to the present law. It closes a loophole which, if left open, could soon result in our market being flooded, with the same disastrous effect on our domestic industry that nearly wiped it out in the early 1930's.

Mr. JAVITS rose.

Mr. FREAR. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I invite the attention of the Senator from Delaware to the very last paragraph in the committee report on page 3, which states:

> Section 2 (b) would delay the entry into force of the amendment to give the President a period during which to negotiate with other countries parties to such trade agreements in order to obtain a modification or termination of any international obligations of the United States with which the increase in duty made by the amendment might conflict.

In view of the fact that it takes two parties to negotiate, I ask the Senator, if the other party does not agree, will the result be the denunciation of any trade agreements which we have made?

Mr. FREAR. I believe that under the trade agreements we would offer some kind of compensation.

Mr. JAVITS. I did not quite hear the Senator's answer.

Mr. FREAR. Compensation would be in the nature of offering another concession, or allowing the countries affected to withdraw, reciprocally, some concessions given this country.

Mr. JAVITS. Am I to understand that the Senator believes that there is likelihood of agreement because another concession will be offered?

Mr. FREAR. Yes.

Mr. JAVITS. But there is no assurance of it, is there?

Mr. FREAR. There is no absolute assurance on that point. However, I think the President would exert every effort to try to compensate in some way for any damage to any trade agreement.

Mr. JAVITS. I think the Senator has answered my question.

Mr. FREAR. The President could take such action. However, the Tariff Commission would furnish the information he needed to make a reciprocal arrangement.

Mr. JAVITS. I think the Senator has answered the question as well as he can within the limits of his position; and I shall seek recognition in my own right whenever the situation permits.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was argeed to.

Mr. JAVITS. Mr. President, I realize that this bill does not involve a great deal of excitement on the part of anyone, and that there is overwhelming sentiment for it in the committee and in the Senate as a whole. It would be fatuous to hold up the proceedings of the Senate or to seek a yea-and-nay vote upon a bill of this character. We all understand that. Unquestionably the bill will pass within the next few minutes nor am I seeking to block its passage.

Nevertheless, I find that it is useful—and this is the glory of our country—to express things which need to be expressed. Because certain laws are on the books, they have an influence on our fundamental policy.

There is a great deal of sentiment for the bill on the part of American manufacturers of footwear, who feel that there is an element of deception involved in this situation, which is sought to be corrected by the particular bill. For that limited purpose they may be absolutely correct. Unquestionably there is some effort to do something very special, having no particular relation to the usefulness of the item, in order to get it into another tariff classification.

What really happens is that certain trimmings are added to rubber soled footwear, which result in an increase in value of leather as compared with fabric. Those trimmings are practically hidden. I am informed that leather for example is concealed under the tongue, which closes the sneaker. So obviously the leather is being added for the purpose of getting the article into another classification for tariff purposes.

Something like the present situation was encountered several years ago, in respect to an inner sole which was made of leather. At that time an effort was made to close what my friend from Delaware would call a loophole. A special bill was passed, and the so-called loophole was closed; but here we are again with another of the same.

The pending bill will undoubtedly be passed in order to close what is considered to be another loophole. But the question which impresses itself on one's mind is this: Is the entire field of negotiation of tariffs and trade agreements to be constantly subjected to niggling exceptions when some particular interpretation of the law impinges upon what some particular group might want? Are we to hasten to pass a special bill to deal with the subject, thereby causing the President to renegotiate a trade agreement, and perhaps grant other concessions which would be much more damaging to some other segment of American business, in order to satisfy the particular group which is making the strongest protest at the moment? Or should we have a settled proceeding for agreements which gives assurance of continuity of policy without need for special congressional acts?

This particular measure may well be justified on the basis of the facts which are involved and the committee obviously so found. I am willing to lay that question aside, because the bill will undoubtedly be passed, and that will be the end of this unit controversy.

I think it is extremely important, in terms of American policy, for all those who are interested in reciprocal trade—and I believe they constitute a majority of the people of the country—to consider certain principles. If the people were not interested in reciprocal trade yesterday, it compels their attention today, by reason of the kind of reception which was accorded our Vice President in South America, and the reception which American institutions are having in many parts of the free world based on economic relations.

I recognize that world leadership also means world responsibility. World responsibility means that we do not go after the last $10. World responsibility means that once in a while we must overlook some particular advantage because a principle vital to our security and destiny is involved. We do it domestically. We say that we would rather see a few guilty men go free than to see one innocent man imprisoned. That is the foundation of our institutions. We must apply such principles in our reciprocal trade relations.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. It was partly upon my request that the bill was not reported from the committee when it was first presented, but was withheld until a hearing could be had, at which hearing both proponents and opponents had an opportunity to testify.

Like the distinguished junior Senator from New York, I found it disturbing that, after Congress had passed a special bill on this particular subject, relating to this particular type of commodity, Congress should be asked again to legislate upon the same subject because the importers had modified the product to comply with the law.

At first I was not favorably disposed toward the bill, but after hearing both sides I became convinced that this was an extraordinary case, which would justify the action proposed. I submit that it is a bad precedent for the Congress to pass repetitive legislation because an industry has modified products to meet the rules and regulations. But obviously, as the Senator has said, this was a case in which a slight modification had been made to qualify what are essentially rubber-soled shoes with fabric uppers, as something which they are not, namely, leather shoes.

So upon careful consideration I concluded—as did the Finance Committee unanimously—to support the bill.

I take it that the Senator shares the concern which I have expressed; and I hope he shares the view that these are extreme circumstances, which justify unusual treatment.

Mr. JAVITS. My dear friend from Tennessee has been a Member of this body much longer than I have. He is known to be a devoted friend of reciprocal trade. I have never had the presumption to parade my virtue above that of other advocates of a particular cause. I agree with the Senator from Tennessee that undoubtedly, based upon the facts of this particular case, I would have been moved to the same position. But laying that question aside, as I did when I began my discussion, laying aside the specific question with respect to this particular bill, let me point to the very narrow limits within which we are acting. We should not cause anyone to feel that the Congress of the United States intends, by circuitous means, to whittle away at the foundation of a trade policy which, to my mind, represents the best hope for the peace and security of the United States.

That is the whole point of my speech.

Mr. GORE. I thank the Senator. I concur in his view. It is my view that the fault, if there be any, lies not with the importer, but rather with the inadequacy and inaccuracy of the import classifications. The pending bill seeks to make that correction.

Mr. JAVITS. I thank the Senator. As I said before I can understand and, indeed, come pretty close to agreeing with the Senator on the facts presented and perhaps even on the merits of the proposed legislation. However, in view of the present situation throughout the world, and of our being in favor of reciprocal trade—and undoubtedly the trade agreements bill will be passed—we feel very deeply convinced, at least those who favor such legislation—and I believe that represents a majority of Congress and a majority of the people of our country—that it is inherent in America's peace leadership and is extremely important to the rest of the world not to whittle away at it.

Therefore I sound a note of warning against niggling on little things and thereby corrupting the whole climate in which we operate and damaging the enormous issues which are at stake.

I know the distinguished majority leader has been very understanding of my desire to say these things. As I said when I began my remarks, historically we find that when these points are made—and I do not mean that they affect this particular situation or the measure we are considering—they nevertheless indicate in respect to the total policy of the United States, in the minds of many people, that there are many in the Senate and in the other House who have very deep convictions on these subjects when it comes to a showdown and actually taking action.

Mr. FREAR. I should like to say to the Senator from New York that I do not believe there is in the mind of any member of the committee any intention to accuse importers of any maliciousness in connection with the matter. The committee found there was a tariff loophole, and attempted to close it.

Mr. JAVITS. I understand perfectly what the Senator has stated with reference to the situation. I merely wish to point out that when we undertake to solve very little problems we may bedevil the big problems and issues, and corrupt a fundamentally big national purpose. If I do nothing else today, I sound a note of warning in that respect. That is all.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. FREAR. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

The motion to lay on the table was agreed to.

SUSPENSION OF DUTIES ON METAL SCRAP

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1648, H. R. 10015.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 10015) to continue until the close of June 30, 1959, the suspension of duties on metal scrap, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. JOHNSON of Texas. Mr. President, I should like to announce that we hope to be able to consider the unemployment compensation bill, when it is reported by the Committee on Finance, next week, perhaps on Tuesday.

We also hope to be able to consider the mutual security authorizing legislation next week.

We do not plan to have a session on Friday, Memorial Day. The Senate may sit late on Tuesday evening, Wednesday evening, and Thursday evening of next week, in order to avoid the necessity of having to meet on Friday, Memorial Day.

I am pleased that our plans are such that Senators can plan to have Friday and Saturday free, and, so far as I am informed, there will be no controversial legislation before the Senate on Monday. Senators may make their plans for Friday and Saturday of next week with the knowledge that there will be no rollcalls.

I should like to announce the possibility that the Senate will consider on Monday of next week the following measures:

Calendar 1649, H. R. 6006, to amend certain provisions of the Antidumping Act, 1921, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes.

Calendar 1650, H. R. 7870, to amend the act of July 1, 1955, to authorize an additional $10 million for the completion of the Inter-American Highway.

Calendar 1652, H. R. 12356, to amend the act entitled "An act to authorize and direct the construction of bridges over the Potomac River, and for other purposes," approved August 30, 1954.

Calendar 1653, H. R. 12377, to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City.

I believe those bills have been cleared with the minority leader. If not, I will not call them up.

AUTHORITY TO FILE COMMITTEE REPORT WITH MINORITY VIEWS ON TEMPORARY UNEMPLOYMENT BILL

Mr. FREAR. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. FREAR. The Senator from Texas referred to the unemployment compensation bill. I should like to ask unanimous consent that the majority report of the Committee on Finance, on the temporary unemployment bill, H. R. 12065, may be filed not later than May 22, and the minority views may be filed not later than midnight, Monday, May 26. I am sure the majority leader recognizes those two dates.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EQUALITY FOR THE SELF-EMPLOYED

Mr. BRICKER. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Ohio may proceed.

Mr. BRICKER. Mr. President, for more than 30 years Ohio has had a most distinguished Member of Congress. People have trusted him by reelecting him time and time again. It was necessary, at a late date in the primary election in my State, for him to ask the voters not to support him because of health conditions, which we all regret very much. His record has been a distinguished one, and I do not believe his contribution has been any greater in any field than in the one to which I now wish to invite the attention of the Senate. It is the field of tax equality for the self-employed.

I hope the 85th Congress will not adjourn without ending Federal income tax discrimination against self-employed Americans. The Jenkins-Keogh bills—H. R. 9 and H. R. 10—and it is to Thomas A. Jenkins, that I refer today—would end this unjust discrimination. An identical bill (S. 3415) was introduced in the Senate on March 6, 1958, by the distinguished senior Senator from Nevada [Mr. MALONE]. These bills have my wholehearted support.

The purpose of the Jenkins-Keogh bill is to offer almost 10 million self-employed individuals the same retirement income protection now enjoyed by almost 14 million employees. Today, a self-employed person must set aside funds for his retirement from what is earned after, rather than before, taxes. A corporation officer or employee, on the other hand, pays no tax on his employer's contribution to his retirement fund until he begins to draw the benefits. The discrimination, taxwise, against millions of doctors, lawyers, dentists, farmers, engineers, small-business men, and other self-employed Americans is so severe and so obviously unjust that it ought to be wiped out of our tax structure immediately.

The Jenkins-Keogh bill is quite simple. It merely provides that a self-employed person may deduct each year amounts paid into an approved retirement fund up to 10 percent of his net earnings or $5,000, whichever is less. Special provisions apply to individuals over 50 years of age. No person covered by a public or private pension plan would be eligible for the retirement income protection made available by the Jenkins-Keogh bill.

Retirement benefits would be taxed to the individual when he received them—normally after his retirement. Favored tax treatment is provided for lump-sum distributions made after reaching the age of 65 and after the accumulation of contributions for 5 years or more, or if made after death.

There is no sound reason why voluntary saving for retirement should be discouraged. To the maximum extent possible, the Federal Government should encourage people to supplement the necessarily modest benefits authorized by the Social Security Act. Congress has encouraged retirement income for employees by providing that money paid into employee pension plans is a deductible item of business expense for the employer. An accountant, for example, who is his own employer, should have the same privilege.

There are many good reasons why the Federal Government should encourage voluntary saving for retirement by the self-employed, in addition to the demands of simple justice.

In the first place, employee pension plans are providing a growing percentage of the funds available for capital investment. This is only natural in view of the high individual income-tax rates which are in effect today and which will prevail for many years to come. Our economy cannot expand and the American standard of living cannot rise unless funds available for capital investment increase by an amount sufficient to satisfy the economic needs and aspirations of a rapidly growing population. The Jenkins-Keogh bill would provide a large additional source of money for capital expansion.

Secondly, during this period of economic readjustment, we are apt to forget that runaway inflation is still the No. 1 economic danger. By encouraging

long-term savings by millions of the self-employed, the Jenkins-Keogh bill would dampen the smoldering fires of inflation.

Finally, the Jenkins-Keogh bill would promote individual self-reliance—a social policy which Americans have traditionally regarded as a bulwark of human freedom and national independence. Social scientists and other close observers of our society view with alarm various signs of mass conformity and dehumanization. I do not think the next generation is in any serious danger of becoming a race of faceless men, but books such as the Organization Man, by William H. Whyte, Jr., are disturbing nevertheless.

Therefore, if any tax discrimination between occupational groups could be justified, one would expect it to be aimed at the employees of huge corporate entities rather than at the most independent members of our society. So long as there are millions of self-employed druggists, salesmen, real-estate brokers, and professional people, America will never become a nation of robots taking orders from a handful of Government, business, and labor leaders.

However, the self-employed are not asking for an advantage, taxwise, over their employed friends and neighbors. They ask only for tax equality; for an equal opportunity to save their own money for their own retirement.

I ask unanimous consent to have printed at this point in the RECORD an article entitled "Keeping Up With the Joneses," published by the American Thrift Assembly for Ten Million Self-Employed, Inc.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEEPING UP WITH THE JONESES

The old saw about "keeping up with the Joneses" has a new twist: Just about the time you catch up with them, they refinance. Actually, it can be well-nigh impossible to catch up with the Joneses at all—if Jones is a typical employee and you are 1 of the 10 million individuals in America who works for himself.

Let's take an example: Two neighbors, one named Jones, one named Smith. Each is 45 years old. Each has a wife and 2 children. Each is a pharmacist. Jones is employed by a well-known pharmaceutical company. Smith owns and operates his own corner drugstore. Each makes $6,000 a year before taxes. Each pays the same amount of taxes. Yet Jones winds up with the equivalent of $1,404 more each year than Smith because what isn't showing in Jones' tax return is the legally hidden compensation from his company that will provide him with $150 a month beginning at 65, for the rest of his life.

The law allows Jones' employer to set up this retirement plan for him with tax deductible dollars. The law does not require Jones to declare this compensation as a part of his taxable income but that same law bars Smith from setting up a tax-deductible pension plan. Why? Because Smith runs his own business and the law does not permit the self-employed to deduct anything for his old age.

Let's see how just one item—the pension plan—in what is popularly called the fringe benefit package, can provide Jones with nearly a 25-percent tax advantage over neighbor Smith plus the assurance of a guaranteed retirement income over and above social security.

	Jones	Smith
Gross annual income	$6,000.00	$6,000
Exemptions and standard deductions	3,000.00	3,000
Taxable income	3,000.00	3,000
Income tax	600.00	600
Net spendable dollars	5,400.00	5,400
Untaxed additional compensation employer-paid contribution to pension plan to provide $150 a month for life beginning at 65	1,146.03	0
Net actual annual compensation, spendable and deferred	6,546.03	5,400

If Smith, in order to keep up with the Joneses, were to buy an annuity to provide himself a $150-a-month income for life, beginning at 65, Jones and Smith would each have the actual spendable income shown below:

	Jones	Smith
Net spendable dollars	$5,400	$5,400.00
Gross 1st-year premium on annual premium retirement annuity	0	1,146.03
Net spendable dollars after taxes and after providing for $150 a month retirement income plan	5,400	4,253.97

In other words, Smith either will have to be satisfied with a net spendable income of $4,253.97 (while Jones has $5,400) or he will have to somehow increase his yearly income from his drugstore by an additional $1,404.03 before taxes in order to keep up with Jones.

	Jones	Smith
Gross annual income	$6,000	$7,404.03
Taxable income	3,000	4,263.62
Income tax	600	858.00
Net spendable dollars	5,400	6,546.03
Gross 1st-year premium on annual premium retirement annuity	0	1,146.03
Net after taxes and after having provided for $150 a month on which to retire	5,400	5,400.00

Actually, if you are self-employed, it is considerably harder than even these figures indicate to keep up with the Joneses. If Jones' relationship with his company is fairly typical, he will pick up in addition to his salary and in addition to his pension benefits one or all of the following security provisions. Contributions by Jones' company for each of these benefits are tax deductible by the corporation and although additional compensation, nonetheless tax-free to Jones:

Paid vacations, sick leave without loss of income, group life insurance, group hospitalization, group medical protection and long-term salary continuance in case of disability.

It is obvious that the self-employed Smiths cannot begin to catch up with the Joneses. The reason is not hard to find.

The income tax law allows—it encourages—Jones to defer or escape altogether the tax on his fringe compensation, but Smith, the law says, must pay tax on all of his compensation. And with the steeply graduated rates of taxation, the higher Smith's income climbs, the greater the tax advantage enjoyed by Jones.

Mr. BRICKER. Mr. President, self-employed men and women are not seeking to avoid paying taxes on one penny of their income. They are asking only for an equal opportunity to provide economic security for themselves and their families.

Of course, the deferral of tax liability on a portion of earnings until the years of retirement will result in some revenue loss to the Government. Roger F. Murray, associate dean and adjunct professor of finance, Graduate School of Business, Columbia University, in his statement before the House Ways and Means Committee on January 24, 1958, estimated that the Jenkins-Keogh bill would result in an annual revenue loss of $100 million or less for the first few years. The Treasury Department estimated that the loss in current revenues might go as high as $430 million. These are mere guesses, since nobody knows how many self-employed would contribute to retirement funds, or when they would begin to do so. I believe, however, that Dean Murray's figure is more realistic.

Even if the Treasury's estimate of revenue loss is correct, I would still urge prompt action to remove the tax discrimination against millions of self-employed men and women. The principle involved is far more important than dollars and cents. It will be a sad day for America when discrimination is tolerated on the ground that its elimination would be expensive.

VISIT BY GOVERNOR WILLIAMS OF MICHIGAN TO LATIN AMERICA IN 1956

Mr. McNAMARA. Mr. President, the recent disastrous visit of the Vice President to South America recalled to my mind a far happier journey to the same area by another well-known American.

In late 1956, following his triumphant election to a fifth term, Gov. G. Mennen Williams, of Michigan, toured six Latin American nations to study first-hand the relations between our country and our closest neighbors. In all, he visited Peru, Argentina, Uruguay, Brazil, Chile, and Mexico, as well as Puerto Rico.

Characteristically, Governor Williams did not limit his discussions and fact-finding to the officialdom of the nations he visited. He went among the people in the cities and far into the back country.

Governor Williams was not greeted by stones. He was met with bouquets. He was not jeered. He was cheered.

The newspapers of the countries he visited acclaimed him as a genuine goodwill ambassador. There were parades and other celebrations in his honor—and no impetuous President needed to send armed American troops to enforce a safe return home.

I call attention to this sharp contrast between the recent visit to South America of the Vice President and the 1956 visit of Governor Williams because it shows the rapid deterioration of our relations.

Even then Governor Williams could see what was happening to the firm bond of friendship that had been built up between the United States and Latin America.

Upon his return, in December 1956, Governor Williams discussed his visit with the press in Chicago. He made

special note of the reception he and Mrs. Williams received, stating:

South Americans were extraordinarily hospitable to us and I found all kinds of real friendship. F. D. R. is a most popular figure here and Woodrow Wilson comes second.

But Governor Williams then went on to sound this warning:

Within a generation, the South American nations are going to be world powers of great importance. In their own development, they prefer to look to the United State for cooperation, but if we won't work with them, they will look elsewhere. * * *

Today, many South Americans consider that they are being given insufficient attention. They feel that, in the recent past, we have not sent them first-rate ambassadors, and, of course, one we sent to Brazil had to be recalled.

Many South Americans feel, too, that the United States is too friendly to South American dictators and that our representatives and emissaries have sometimes unnecessarily embraced dictators.

The Senate Foreign Relations Committee is now studying this tragic breakdown in our relations—relations which must remain strong for our mutual protection.

In this regard, I am pleased to submit for the RECORD the comments Governor Williams delivered to the press in Chicago on December 20, 1956. I call particular attention to a list of recommendations he offered to promote greater friendship and mutual strength.

Mr. President, I ask unanimous consent that the text of the remarks made by Governor Williams be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The United States should vigorously and imaginatively implement the good neighbor policy and point 4 program. We should do this not only as good will toward South America, but also in our own best interests. Within a generation, the South American nations are going to be world powers of great importance. In their own development, they prefer to look to the United States for cooperation, but if we won't work with them, they will look elsewhere.

There is no question of the tremendous economic vitality of South America. Wherever you go there is building. The potential is enormous because of the vast physical resources and for the most part eager workers. The lacking ingredients are capital, and in some cases know-how. The lack of capital results in interests rates that run from 9 to 24 percent regularly, and crop loans as high as 40 percent are reported. While there are some segments of the population willing to get by on what a lush tropical climate provides, most South Americans seem ambitious and industrious. This is particularly true where there seems to be a chance to get out of the old rut. A point 4 program in Chile modeled on Puerto Rico's "build your own home" program has workers going at a run. At an Argentine plant, young men offered to work for nothing just to acquire a skill.

Brazil, with 60 million inhabitants, is building so fast that the coming of age is just around the corner. With my own eyes, I saw a modern city of 100,000 which 30 years ago was pretty much jungle. Argentina, too, has vast potential, but 15 years of Peron has severely wasted the country's economic and human resources. The other South American countries are presently smaller but have huge possibilities.

Under these circumstances, opportunities for investment are good. Some American businessmen are serving as ambassadors of good will while making a good profit. They are providing much needed technical know-how and helping to build a solid economic and democratic state. Americans have real competition from German, English, and Italian businessmen, along with others. I feel the United States should consider reasonable encouragement to provide foreign investments. Productivity must be increased in these countries to give the people a chance to get a decent standard of living. The per capita income of $400 a year is high, and many live on around $100 a year, as compared with a United States per capita of $1,847.

Where there is industrialization, however, unskilled wages are often around $60 to $80 a month. Many South American countries have more advanced social legislation than we, and many fringe benefits but living standards are not high yet and there is considerable abject poverty in most countries.

This situation is made to order for a demagogic dictator. It gave Peron his big chance. Unionists estimated that 30 percent of workers in Argentina are democratic, 30 percent Peronistic, and 40 percent undecided.

In Brazil, I spoke to the manufacturers association and they seem to be working on social programs of merit. In both Brazil and Argentina, I spoke to reasonable and intelligent labor leaders. There are, however, radical leaders, too, and there are some true Communists. Incidentally, from many different quarters, I heard good things said of George Meany's visit.

The South American farmer is often caught in the same squeeze as is North American labor: low returns from farm products and high costs for necessities due to exchange controls.

South Americans were extraordinarily hospitable to us and I found all kinds of evidence of real friendship. F. D. R. is a most popular figure here and Woodrow Wilson comes second. However, today many South Americans consider they are being given insufficient attention. They feel that, in the recent past, we have not sent them first-rate ambassadors and, of course, one we sent to Brazil had to be recalled. I expressly except all serving ambassadors.

Many South Americans feel, too, that the United States is too friendly to South American dictators and that our representatives and emissaries have sometimes unnecessarily embraced dictators.

United States has one tremendous asset we fail to recognize sufficiently and one which can be a vital factor in building hemispheric solidarity. That is Governor Muños-Marin and Puerto Rico. Puerto Rico's story is an excellent example of cooperating with an undeveloped economy to help them achieve rapid maturity and political autonomy.

In conclusion, my recommendations are as follows:

1. Cultural exchange of persons, with encouragement of South American visits to Puerto Rico as well as the United States.
2. The encouragement of private loans.
3. Further development of point 4 program.
4. Government loans.
5. Exchange of visits among labor union people.
6. United States businessmen can be great ambassadors and technical assistants.
7. Further contact between universities in the two continents.
8. Rapid completion of the Pan-American Highway.
9. Encouragement of tourism.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield.

Mr. MANSFIELD. I express my commendation of the interest which the distinguished Senator from Michigan has taken in Latin America, and of the fact that the great Governor of his State, on his return from that area, made some worthwhile recommendations on the basis of personal observations.

Mr. McNAMARA. I thank the Senator from Montana.

LARGE PAYMENTS TO INDIVIDUAL FARM OPERATORS UNDER THE MULTI-MILLION-DOLLAR SOIL BANK PROGRAM

Mr. WILLIAMS. Mr. President, on previous occasions I have questioned the wisdom of the multi-million-dollar Soil Bank program, the purpose of which is to retire acreage from production; and I have suggested that the acreage removed would be the less-productive acreage, and the money paid therefor could be spent by the recipients for increased fertilization of other acreage, with the result that no reduction in surplus commodities would be achieved.

I joined other members of the committee in questioning the wisdom of not putting a limitation on the amount of payments to any individual; we did so on the basis that, otherwise, the real benefits of the Soil Bank program would be a bonanza for the absentee owners, rather than assistance to bona fide farmers.

At the time when the proposed legislation was considered, several amendments were offered to limit these payments; but each one was rejected by the Congress, even in the face of warnings by the administration that without such limitation the program could develop into windfall payments to the absentee owners.

Therefore, any criticism in connection with these large payments should be directed against the Congress, which passed the bill and rejected any limitation amendments, rather than against the persons who have accepted the payments.

The report just released by the Department of Agriculture shows that in 1957, 1,260,000 farmers were paid a total of $613,838,570, or an average of $487 per person, for removing 22 million acres from production. With no ceiling on the payments incorporated in the law, there were 2,422 individuals who received in excess of $10,000, with 1 individual receiving $322,012.89.

A statistical breakdown of the payments for the calendar year 1957 is as follows:

The 3 highest paid individuals received sums in the amounts of $322,012.89, $278,187.38, and $209,701.80.

Approximately $1 million was paid to 8 individuals whose payments were between $100,000 and $140,000 each.

Another $1 million was paid to 12 individuals, with each payment being between $75,000 and $100,000.

Twenty-three were paid between $60,000 and $75,000 each, or approximately $1½ million.

Twenty-one were paid another $1¼ million, with payments ranging between $50,000 and $60,000 each.

Thirty-eight were paid approximately $1¾ million, with each payment being between $40,000 and $50,000.

Approximately $3¾ million was paid to 106 individuals, with payments ranging between $30,000 and $40,000.

Approximately $3¼ million went to 122 individuals whose payments were between $25,000 and $30,000.

Approximately $4½ million went to 213 individuals, with payments being between $20,000 and $25,000.

Approximately $8½ million went to 496 individuals who received payments between $15,000 and $20,000.

Approximately $16½ million went to 1,380 individuals who received payments between $10,000 and $15,000.

The remainder, representing payments below $10,000 down to a few dollars per farm, went to the other 1¼ million farmers signed up under the program.

SAFETY IN THE AIRWAYS

Mr. STENNIS. Mr. President, for the past 2 or 3 days I have been attending meetings of the Armed Services Committee's subcommittee which has to do with the military construction bill. Included in the bill are items for proposed sites and for the authorization of funds for our early warning system—the so-called DEW line—and for a number of other early warning systems. These systems are costing the Nation many billions—not millions—of dollars, in the effort to set up a warning system against an enemy attack which may never come. The purpose is to protect the Nation from the possibility of an enemy attack by air.

At the same time, Mr. President, it seems that far too little is being done regarding some kind of a warning system to protect the people of the Nation now—in their daily affairs—as they travel on our commercial airlines.

In the newspapers we read accounts about military planes which collide with passenger airliners, causing the death of many persons; and we read that there is to be an investigation of some kind. But I have not been able to find that many reports have ever been made, following such investigations.

A great deal has been said about who has jurisdiction of such matters and about who is responsible for them, but we do not get results.

Certainly the commercial airline passengers of the country are entitled to more protection than they are receiving today. It appears to me that they are entitled to greater cooperation, let me say, between the military and the commercial airlines.

I am not one to place fault at the door of anyone, unless there is provable blame. But the impression in the American mind—and the impression is growing very rapidly, as I see it—is that those who operate the military planes are not as conscious of their responsibility regarding the commercial airlanes as they should be.

I know it is a fact that there is much unnecessary danger in our air travel. More could be done than is being done to remedy the situation.

That is why I joined, on yesterday, with the Senator from Oklahoma [Mr. MONRONEY] in his introduction of a bill providing greater regulation. Perhaps the expenditure of large sums of money will be necessary in order to perfect the necessary detection system. If so, we have already "burned too much daylight" while delaying the beginning of such a system.

I have learned from the morning news that one of the airlines reported a "near miss" within the past few hours, following the death of many persons in the past 30 days, as the result of the crashing into 2 different passenger planes. I commend that airline for reporting that "near miss." I think all such incidents should be reported publicly, so as to make us more conscious of what the true situation is. It may be that reports of "near misses" have been withheld because of a belief that such reports might be disturbing to the minds of the traveling public. I do not know; on that point, I make no statement of fact. But I commend the airline which reported the recent "near miss".

I believe a complete investigation should be made, in order to develop the facts, whatever they may be—bad as they may be, or good as they may be—and to determine who is to blame.

I do not have sufficient facts to be able to censure anyone as to blame in these recent collisions.

However, it is an old rule that a commanding officer is responsible to a degree for the men who go out from the post which he commands. Certainly no commanding officer can be an insurer against the dereliction of all who go out from his post to use the air; but certainly injury inflicted by one of his men places upon him the responsibility of proving that he has used every possible precaution, that he has warned the men in his command of the danger of the commercial airlanes, and that they have been fully instructed, and have had drilled into them the fact that it is their duty to observe the rules very carefully.

It may be that the speed of jet planes is so great that those who fly them have no chance to know just where they are. There is need to know more about the entire facts; and I believe that in connection with this very grave matter, Congress has a responsibility that is more serious than the facts which have yet been disclosed would indicate.

So I hope those who are pursuing this highly important matter will pursue it to the utmost, and that soon we shall have the facts, because then, and only then, shall we be able to apply the proper remedy. We owe it to the American people, and particularly the traveling public to develop the facts and, so far as possible, supply the remedy.

Mr. FREAR. Mr. President, I should like to pay high tribute to the junior Senator from Mississippi [Mr. STENNIS] for the remarks he has made regarding safety in our airways. I think we should all become more conscious of the need for safety in the air and should work diligently to bring it about.

Mr. GOLDWATER subsequently said: Mr. President, much has been said, and properly so, during the last month, and particularly the last 2 days, concerning tragic accidents which have occurred on civil airways by collision between military aircraft and commercial transport aircraft. I do not condone such collisions. None of us can condone such tragedies occurring in the skies. But it is not a problem we have had with us merely for a week or a month. It has been with us ever since flying started in this country. It is a problem for the solution of which pilots have asked for many years.

I think we in the Congress have been about as much to blame for the situation as has any other governmental body or any group of pilots. Repeatedly we have been asked for money with which to modernize our airways. Repeatedly we have not provided adequate funds. It is a problem which must be met.

I desire to mention some facts concerning the Air Force, because the Air Force has been brought into the discussion. Naturally, there is an inclination to blame the Air Force. I do not in any way want to absolve the Air Force of any portion of the blame which may be properly ascribable to it.

There are certain requirements for military flight into civilian airlanes. The United States Strategic Air Command must fly over targets in this country that simulate targets in our possible enemy's homeland. They have to be made at altitudes which might in some ways conflict with civilian flights.

The Tactical Air Command and the Air Defense Command likewise have to fly in airways. An enemy will not come over our country on a certain numbered airway. Therefore, the Air Force has to participate in flights which are unscheduled, even though they may cross civilian airways.

Whenever flights are made by the Air Force—and I am sure this applies to other military services using the air—they are made in accordance with airway traffic control procedure. Clearance is filed, even if it is for visual flight, and it certainly has to be filed if it is for instrument flight.

While the accidents are certainly regrettable, so long as we have problems of defense and men flying instruments of war, there will be danger involved.

The Air Force has been very active in promoting safety. In 1921 in the infancy of air operations the Air Force flew 77,351 hours, with an accident rate of 467 per 100,000 flying hours.

During the war, when the Air Force was flying many millions of hours a year, this ratio was reduced to 71 accidents per 100,000 flying hours.

To give Senators some idea of what 100,000 flying hours means, even at the comparatively slow rate of speed of 200 miles an hour, it means 20 million miles.

In the first quarter of this year, the Air Force and National Guard again flew in the millions of hours and the accident rate dropped to 12 accidents per 100,000 hours.

Mr. President, there are answers to this problem. Speaking both as a civilian pilot and as an Air Force pilot, I desire to mention three proposals which

I think can and should be implemented as quickly as possible.

First: There should be closer cooperation between the military and the CAA, particularly the airways traffic control.

Second: We should immediately increase our efforts to provide radar stations on the numbered airways, so they will be in control of the airways, and so there will eventually be what on the railroads is called the block system.

Third: There should be absolute control of all airways at all altitudes from the ground up to 35,000 feet, with flights on these airways to be under instrument flight rules even though they be on sunny days.

In closing, Mr. President, I point out that we have another and possibly more serious problem. There is no doubt that since the day before yesterday there have been killed in automobile accidents at least as many persons as were killed in the air accident. We do not seem to be overly concerned about such automobile accidents. I suggest we attack the air problem and the ground problem, too. So long as there are human beings flying airplanes and driving automobiles, the chances are accidents will occur. As human beings, we can do only the best we can with electronic devices to control such accidents. I urge that Congress give immediate consideration to these proposals.

Mr. SYMINGTON subsequently said:

Mr. President, I am much impressed with the bill to create an independent Federal Aviation Agency, sponsored by the distinguished junior Senator from Oklahoma [Mr. MONRONEY], and, as he says "to provide for the safe and efficient use of the airspace by both civil and military operations, and to provide for the regulation and promotion of civil aviation in such manner as to best foster its development and safety."

I am not impressed with the protest from the Civil Aeronautics Administration about such proposed legislation, and do not think we can wait any longer in the taking of prompt steps to settle the question of who has what right-of-way in our skies.

This is a case where "too little and too late" can only result in more fatalities; therefore, it should be handled now. If this is not done, all aviation, civilian as well as military, will come under an increasing cloud, and airpower itself may well be retarded.

As it is, people are now prone to put most of the blame on the military, although the Civil Aeronautics Administration has at least as much repsonsibility in this matter as anyone else.

I commend the able Senator from Oklahoma for his prompt action in this matter. Action is what is needed, and I am glad to cosponsor S. 3880.

RESOLUTION OF BOARD OF GOVERNORS, AMERICAN BAR ASSOCIATION, OPPOSING S. 2646

Mr. KEFAUVER. Mr. President, the board of governors of the American Bar Association has just adopted a resolution opposing S. 2646, the so-called Jenner bill, which would strip the Supreme Court of certain of its appellate powers.

I opposed this bill, and, along with several of our colleagues, voted against it in Judiciary Committee. I doubt if there are any of us present who have not disagreed with some decision or other of the Supreme Court. Indeed, the reason that we have a Supreme Court is that there are these differences of opinion. There has to be a pro and a con argument before a case ever reaches the Supreme Court.

The method proposed in the Jenner bill for expressing displeasure at certain Supreme Court decisions is nevertheless a most dangerous one. It would reverse years of judicial and legislative history, and set a precedent of removing jurisdiction in one field after another. The result would be chaos.

I want to compliment the American Bar Association for its thoughtful action, and ask that the report to the board of governors be printed at this place in my remarks. The resolving portion of this report is the resolution adopted by the board of governors.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT TO THE BOARD OF GOVERNORS BY THE SPECIAL COMMITTEE ON INDIVIDUAL RIGHTS AS AFFECTED BY NATIONAL SECURITY OF THE AMERICAN BAR ASSOCIATION

RECOMMENDATIONS

The special committee on individual rights as affected by national security recommends that the board of governors adopt the following resolutions:

I

Resolution adopted Tuesday, May 20, 1958.

"*Resolved*, That the American Bar Association opposes the enactment of the so-called Jenner Bill, S. 2646, as amended and reported by the Judiciary Committee of the Senate, which combines a limitation on the appellate jurisdiction of the Supreme Court and a threat to the independence of the Judiciary with substantive changes of far-reaching significance which should be considered independently of each other and only after adequate public hearings at which the organized bar and others interested can be heard. This action does not constitute approval or disapproval of the substantive changes proposed by sections 3 and 4; be it further

"*Resolved*, That in expressing its opposition to the enactment of S. 2646 as amended, the American Bar Association reaffirms its position as expressed in the resolution on this subject adopted by the house of delegates of the American Bar Association at Atlanta, Ga., on February 25, 1958."

REPORT

At the Atlanta meeting of the house of delegates, the house, acting on the recommendation of the board of governors, adopted a resolution opposing enactment of S. 2646, known as the Jenner bill, which had as its purpose the withdrawal of appellate jurisdiction of the Supreme Court of the United States in five areas which have been the subject of recent decisions by the Supreme Court. Since the action of the house of delegates, there have been the following developments in connection with this proposed legislation:

1. While S. 2646 was under consideration by the Senate Judiciary Committee, Senator BUTLER, of Maryland, offered proposed amendments of S. 2646 as to each of its provisions except admission to the bar of State courts.

2. On April 30, 1958, the Senate Judiciary Committee announced that by a vote of 10 to 5 it was reporting favorably S. 2646 as amended by the committee.

As reported by the Judiciary Committee, S. 2646 contains four sections which may be summarized as follows:

(a) Section 1 is identical with the provision of section 1 as introduced by Senator JENNER which would withdraw the appellate jurisdiction of the Supreme Court to review cases involving admission of attorneys to practice in the courts of the States.

(b) Section 2 would have the effect of withdrawing the jurisdiction of all courts to pass upon the pertinency of questions propounded by committees of Congress in Congressional investigations. The decision of the committee as to the pertinency of the question would be final and not subject to review by any court.

(c) Section 3 of the bill would allow the States to enact statutes concerning subversive activities without running afoul of the prohibition which normally results from occupation of a sphere by the United States.

(d) Section 4 of the bill refers to the Yates and Schneiderman cases, involving construction of the Smith Act, by name, and states that the distinction found to exist in those decisions is one never intended by Congress and is undesirable. It would then amend the statute to prevent such a construction of the act in the future.

From the foregoing summary of the provisions of the bill it is apparent that it is still objectionable for the reasons specified in the resolution adopted by the house of delegates of Atlanta, the difference between the original and the amended bill being merely a matter of degree.

It is further apparent that the portion of the amended bill which does not propose to curtail the appellate jurisdiction of the Supreme Court deals with matters of substance and basic questions having no relation to each other except in the respect that the subject matter of each has been involved in a recent controversial decision of the Supreme Court of the United States. The effect of combining these unrelated amendments into a single bill, which includes as its first section the withdrawal of appellate jurisdiction of the Court in the area of bar admissions, inevitably makes of the committee bill exactly the same character of legislation as proposed by the Jenner bill originally; i. e., an act to penalize the Supreme Court because of the disagreement of Congress with certain of its decisions and, hence, an attack upon the independence of the judiciary.

Legislation in the important and difficult areas affected by the committee's amendment to the Jenner bill merits the most careful and deliberate consideration of the Congress with public hearings thereon by the appropriate committees of Congress. Each of the amended provisions of the bill is one involving difficult questions of individual rights or of the delineation of legislative power as between the States and the Federal Government.

By this report the committee does not take any position upon the merits of the individual amendments now incorporated in S. 2646 which do not affect the appellate jurisdiction of the Court or the independence of the judiciary. Such a position would be appropriate when and if these measures are considered at public hearings upon their merits by committees of the Congress at which adequate opportunity is afforded for the presentation of views thereon.

The committee recommends that the association oppose the present bill as contrary to the action of the house of delegates at Atlanta, and as an attempt to legislate in these important fields on a "shotgun" basis without adequate consideration of each of

the proposed measures upon its merits. The committee further recommends that the association oppose the bill as an attack on the independence of the judiciary, destructive of the separation of powers contemplated by the Constitution.

Copies of S. 2646 as amended by the Judiciary Committee of the Senate will be distributed at the time this matter is considered by the board of governors.

Respectfully submitted.

ROSS L. MALONE, *Chairman.*
ARTHUR J. FREUND.
WILLIAM J. FUCHS.
CHARLES G. MORGAN.
WHITNEY NORTH SEYMOUR.

BRANDYWINE HUNDRED (DELAWARE) FIRE COMPANY

Mr. FREAR. Mr. President, recently there occurred in Delaware a dedication ceremony conducted by one of our State's finest volunteer fire organizations—the Brandywine Hundred Fire Company. This group of men, together with their ladies' auxiliary, have, for the past 35 years, given devotedly of their time and efforts to provide fire-fighting services to the large rural and suburban area of my State known as Brandywine Hundred.

America is a nation of volunteer fire departments, due to its widespread rural population, the vastness of the country, and the number of small towns and villages, both incorporated and unincorporated, all requiring some sort of fire protection. Indeed, Mr. President, a volunteer fire company is more than a group of individuals with fire-fighting equipment. It is, rather, a splendid example of that quality which has made America great—individual initiative.

The history of the Brandywine Hundred Fire Company parallels, I am sure, that of many similar organizations in other States. It had a humble beginning, but has demonstrated a steady and progressive growth in keeping with the needs of the citizens which it serves.

Mr. President, I ask to have printed in the RECORD, in connection with my remarks, a brief history of this fine fire-fighting organization as it appeared in the dedication program of April 26, 1958.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

COMPANY HISTORY

The Brandywine company had its origin back in 1923 after a group of citizens in the Bellefonte area became alarmed over the increasing number of fires in Brandywine Hundred and the lack of firefighting apparatus in the northern suburban area. By this time, buildings and populations were increasing in the hundred.

After several meetings called to discuss the organization of a volunteer fire company, Martin Ainscow, deputy chief of the Wilmington Bureau of Fire, was invited to Bellefonte to outline plans for organization of such a group. The meeting was attended by about a hundred persons who contributed a dollar each to get the company started.

It was about this time that the volunteer fire companies of Wilmington were sold and the paid fire department of Wilmington was put into operation.

Several of the "runners" of the former Reliance Fire Co. No. 2, the Brandywine Co. No. 10, and the Fame Hose No. 6, all of Wilmington, were residents of Bellefonte and the Brandywine Hundred area seeking a volunteer fire company.

On March 19, 1924, a group of citizens organized the Brandywine Hundred Fire Company No. 1, and the late Joshua Kelley, last president of the Reliance Co., was elected temporary president.

The late John H. Wigglesworth, of Bellefonte, who was one of the organizers of the fire company, was elected vice president.

Other officers elected who served until January 1925 were: the late Harry D. Carson, secretary; Frank R. Heaton, Jr., now of Detroit, treasurer; the late Harry Draper, also of Bellefonte, chief engineer; Charles Honey, Sr., of Bellefonte, first assistant chief; and former Senator Burton S. Heal, Holly Oak, second assistant chief.

Hon. Chief Honey served as assistant chief, chief, and later president of the company for his many years of active service he was made a lifetime member and was presented with a gold badge.

Incorporation papers were applied for in September after the organization by Harry G. Little, James Montgomery, deceased, and Joseph Billingsley.

Mr. Kelley was elected to head the permanent officers selected on January 1, 1924, and Charles Murphy, deceased, was elected vice president. Carson and Heaton were again elected secretary and treasurer. Mr. Wigglesworth was elected chief engineer; Mr. Honey, first assistant chief; Mr. Heal, second assistant chief; Wm. Dunlap, president of the board of managers.

The new company met each week for a while and the first piece of apparatus owned by the new company was a 35-gallon chemical tank costing $5,500 ordered from the United States Fire Apparatus Co. in Kirkwood Park of Wilmington.

The apparatuses were housed in a building rented on the property of Chief Wigglesworth on Rosedale Avenue.

Later ground was purchased along Brandywine Boulevard and Rosedale Avenue, and a building built by residents of Bellefonte, and known as the Bellefonte community hall, was used by the company for a meeting place.

The community hall was also used by the Bellefonte Civic Club and later by the Bellefonte town commissioners as a meeting place.

The Brandywine Hundred Company later purchased the community hall and added to the building as the company expanded. The building was demolished several months ago after construction of the new fire-hall had been started on the site owned by the company in back of the original building.

Until the organization of the Claymont and Talleyville fire companies, the Brandywine Hundred Company was the only volunteer fire company in the territory north of Wilmington to the Pennsylvania line and from the Delaware River to the Pennsylvania line on the west.

Proceeds from carnivals, the first held on the site of Villa Monterey, which netted the company approximately $1,000 were the main source of revenue for operation of, and maintenance of the fire company. Minstrel shows, were also sponsored by the company for a number of years.

The Brandywine company for a time attempted to contact people in the fire-protected area served by the firemen, for contributions by mail after the carnivals were eventually dropped from the agenda following a ruling by the attorney general's office, that games of chance and the wheels used at the carnivals, were illegal.

The campaign for funds by mail has more recently been replaced by a door-to-door solicitation appeal for contributions or donations to the fire company, for funds for operation, the purchase and upkeep of equipment, and for funds for the new building which is an outgrowth of the expansion program instituted to provide better service to those living in the suburban area served by the company.

A summary report released by Paul L. Taylor, Jr., president of the Brandywine Hundred Company, which has a membership of more than 145, discloses the firemen have answered approximately 2,000 fire calls during their 35 years of service, which represents 1,400 hours of service for the fire-fighting apparatus, which traveled 14,000 miles.

The report also shows that more than 15,000 firemen have responded to fire calls and that they laid 61,000 feet of hose in fighting the fires and put in 20,000 man-hours. Assessed value of property in the territory served by the company is around $70 million.

The new fire-hall, approximately 136 feet by 60 feet, is a 2-story building of concrete block with brick veneer. About 76 tons of steel has gone into the construction of the building.

The first floor with 6 bays, houses 4 pieces of fire apparatus, a civil-defense rescue truck, and 2 ambulances.

On the second floor is a stage, kitchen, and a banquet hall capable of seating from 350 to 400 persons, finished in mahogany paneling. There is a recreation room and lounge, a committee room and an office for president and secretary.

The chief's room located at the center of the mezzanine, is situated so that the chief at a glance is able to check the equipment on the floor below. It is equipped as a radio room. A storage space is provided at each end of the mezzanine.

On the first floor is a fully equipped first aid room which may be used as a first aid emergency room in case of a disaster. It has been equipped through contributions made by organizations and individuals for that purpose.

A meeting room on the first floor used by the Bellefonte Town Commissioners and the Bellefonte Building and Loan, was equipped by the Building and Loan Association.

Also on the first floor is storage space, chief engineer's shop for mechanical repairs, and a hose tower. In the center at the back on the first floor is the boiler room which houses the gas hot-water heating plant for the three-zone heating system.

There are entrances to the new building on Brandywine Boulevard, Elizabeth Avenue and Rosedale Avenue, with a fire escape at the rear of the building on Rosedale Avenue.

Allen W. Ridgaway, Jr., captain of the ambulance division of the Brandywine company, has done much to develop one of the best trained ambulance crews in the State, since the purchase of the ambulance by the company about 2 years ago.

Even before the ambulance was purchased, Captain Ridgaway was busy on a training program for the crew of 26. Today in addition to all of the crew being trained in standard and advanced first aid courses of the American Red Cross, seven of the crew members are instructors.

Many of the crew have taken extra lectures at the Delaware Memorial and Riverside Hospitals to learn extra techniques, and several have served more than 100 hours in volunteer service at the hospitals under the supervision of doctors, nurses, and special technicians in handling emergency first aid victims. Captain Ridgaway himself has more than 200 hours of volunteer service at the hospitals, to his credit. It has been through his efforts that Brandywine Hundred was one of the first companies to have an all-trained ambulance crew in standard and advanced courses, with seven instructors.

"Promoting a strong education program for the ambulance crew is one way the company may better serve the community" Captain Ridgaway declares. He reports the ambulance is making an average of 30 calls a month. Charles Honey, Jr., is co-captain of the ambulance division of the Brandywine Hundred company, and John Mallen is secretary. Dr.

Allen C. Wooden is medical adviser to the ambulance division.

Mr. FREAR. I am sure that through the medium of the CONGRESSIONAL RECORD the activities of the Brandywine Hundred Fire Company will be brought to the attention of other fire-fighting organizations throughout the United States. We in Delaware look with pride to all of our State volunteer fire companies because of the cooperative spirit and the fraternal association which accompanies their work in protecting life and property.

It goes without saying that thousands of Delawareans and millions of other Americans and their families sleep more peacefully each night, secure in the knowledge that if danger from fire should come the volunteer companies will be ready to assist them.

Mr. President, the dedication ceremonies at the Brandywine Hundred Fire Company are an important milestone to this organization and to the entire State of Delaware. It is with much pleasure that I take this occasion to bring them to the attention of the Senate of the United States.

AMENDMENT OF NATIONAL HOUSING ACT

Mr. CAPEHART. Mr. President, a couple of months ago Congress passed what was known as an emergency housing bill, which resulted in an unusual amount of new housing starts, to the extent that the Federal Housing Authority soon will exhaust its authority to guarantee FHA loans. We are informed the authority will run out on May 28. That means the legislation reported from the Senate Committee on Banking and Currency, the joint resolution introduced by the Senator from Alabama [Mr. SPARKMAN] and myself, should be acted upon today, if it is possible, because the resolution will have to go to the House and be passed by that body. It is possible the House may be considering a measure; I do not know.

I should like to suggest that, if it is possible to do so, the joint resolution be acted upon by the Senate today. I do not think there is any controversy concerning the measure. If the joint resolution cannot be acted upon today I ask that it be considered on Monday, with an understanding to be reached with the House that the proposed legislation will be passed, so that the President can sign the measure prior to midnight, May 28, which is the date I understand the FHA will run out of authority to guarantee FHA loans.

The Congress did an exceptionally good job in passing the emergency housing bill. We do not want to fail to give the FHA authority to guarantee the loans, thereby holding up the program to the point where there will be inability to guarantee FHA loans.

May I ask the distinguished acting majority leader: Does he know when the bill will be considered?

Mr. MANSFIELD. Mr. President, I will say to the distinguished Senator from Indiana that the matter evidently has not been referred to the leadership. On the basis of the public notice given by the able Senator I anticipate action perhaps can be taken on Monday, if proper arrangements are made with the distinguished minority leader, the Senator from California [Mr. KNOWLAND] and the distinguished majority leader, the Senator from Texas [Mr. JOHNSON].

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CAPEHART. I bring the matter up at this time because I understand when the Senate concludes its business today it will adjourn until Monday.

Mr. MANSFIELD. The Senator is correct.

Mr. CAPEHART. We shall not have an opportunity to consider the measure tomorrow. I have been trying to get in touch with the leadership over the telephone, to see if we could consider the bill today.

Mr. MANSFIELD. I believe it would be impossible to consider the bill today, because too many Members have left to attend committee assignments and other duties. The Members have been given assurance there would be no further legislative action this afternoon.

THE CARLISLE BARRACKS, PA.

Mr. MARTIN of Pennsylvania. Mr. President, the Carlisle Barracks, located at Carlisle, Pa., will be 201 years old May 30. The guard house constructed by Hessian prisoners is still in use. The barracks was the home of the celebrated Carlisle Indian School, which produced some of our greatest athletes, among them being James Thorpe. It is now the home of the Army's senior educational institution, the Army War College, and the very able Maj. Gen. Max S. Johnson is the commanding general.

I ask unanimous consent that a statement from the Army, Navy, Air Force Journal be printed at this point in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARLISLE BARRACKS WILL BE 201

One of the oldest active military installations in the United States, Carlisle Barracks, Pa., marks the 201st anniversary of its founding May 30.

Founded by Col. John Stanwix, of the British Army, with a mixed force of British Army regulars and Provincial troops May 30, 1757, Carlisle Barracks is the home of the Army's senior educational institution, the Army War College. A school post almost since its founding, a school for artillerists, was founded there by Capt. Isaac Coren in 1777, by direction of Gen. George Washington.

Maj. Gen. Max S. Johnson is the present commanding general and commandant of the War College. Brig Gen. Edgar C. Doleman is deputy commandant of the college. Deputy post commander is Col. Alvin A. Heidner.

TENTH ANNIVERSARY COMMEMORATIVE SESSION OF THE WORLD HEALTH ORGANIZATION

Mr. HUMPHREY. Mr. President, "He who has health has hope," runs the old Arab proverb, "and he who has hope has everything."

Mr. President, millions of people have acquired health, and therefore hope, within the last decade as a result of the work of the World Health Organization. Millions more now have the hope of acquiring health—and it is more than a hope; it is a reasonable prospect.

This is a historical development of the first magnitude, and we have no more than glimpsed its consequences. In the past, disease has changed the course of history, as when the Black Death rolled over Europe in the 14th century. We may be sure that the absence of disease will have repercussions equally profound, equally challenging, and—if we are alert enough to deal with them—a great deal more hopeful.

This medical revolution has occurred with such startling swiftness that we tend to take it for granted—almost to ignore it. Yet it has transformed society within a generation. I remember that not too long ago—indeed, in my own childhood—my parents lived with a haunting fear of diphtheria. Infant and childhood mortality was so commonplace, even in the relatively rich and comfortable United States, that the family with all its children living was a rarity. Today nobody worries about diphtheria, and the principal hazard of childhood is the automobile. Within the last few years, we have seen the dread of polio banished from millions of homes. All of us could think of many other examples of the progress of medical science.

Mr. President, it is the function of the World Health Organization to organize the effective sharing of this progress throughout the world. But WHO is not satisfied simply with fighting disease. Its constitution defines health as a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.

The WHO constitution also lays down other principles, which are as revolutionary in their way, as the new drugs that WHO doctors and nurses dispense. The WHO constitution declares that—

The enjoyment of the highest attainable standard of health is a fundamental human right.

Governments have a responsibility for their people's health;

Unequal health development in different countries is a common danger;

The health of all peoples is fundamental to the attainment of peace and security.

Mr. President, this is potent doctrine. And yet it is no more than the adaptation of long-recognized social principles to the scientific revolution which has been occurring in medicine. Consider the points 1 by 1.

"The enjoyment of the highest attainable standard of health is a fundamental human right." Those who would question this statement ought to turn it around. Are they prepared to say that a child in Haiti, for example, has no right to be cured of yaws when we have the penicillin and the knowledge of how to use it? Maybe he does not have a right that is enforcible. But it is a right existing in the heart of everybody who believes in the brotherhood of man.

"Governments have a responsibility for their people's health." Every city and town in America has long had health regulations of one kind or another to meet

this responsibility. As far as I am concerned, WHO simply broadens, but does not change, this fundamental principle.

"Unequal health development in different countries is a common danger." This can hardly be denied in an age of rapid and large-scale travel. Within the year, we have seen a new influenza virus in Asia close public schools in Pennsylvania.

'"The health of all peoples is fundamental in the attainment of peace and security." Remember the old Arab proverb about health and hope. Wars are born of despair; hope begets peace.

The World Health Organization sprang from a proposal by Brazil and China at the 1945 United Nations in San Francisco that an international health organization be established. An international health conference met in New York under the auspices of the United Nations in June 1946, and drafted the WHO constitution, which was signed by representatives of 61 countries. By its terms, the constitution was to come into force April 7, 1948, when 26 member countries had ratified it. The first World Health Assembly met in June of that year, and WHO's ambitious program was launched in a fairly modest way. Next week, Mr. President, the 10th anniversary will be celebrated, I am proud to say, in my hometown of Minneapolis. I am honored to be a delegate and Congressional adviser on that occasion.

The achievements of the past 10 years are impressive:

WHO membership has grown from 61 countries to 88.

It carries on programs of technical assistance in more than 100 countries and territories.

It has a staff of about 1,000 professionals of 54 nationalities.

It operates a worldwide epidemic reporting service.

It has adopted international quarantine regulations which at once speed travel as they control disease.

It has published the first International Pharmacopoeia and more than 200 other technical works on more than 40 health subjects.

WHO's regular work is financed by contributions from its members according to an agreed scale of assessments, ranging from one-third for the United States—about $4.5 million this year—to less than 1 percent for the smallest, poorest members. WHO also receives funds—about $5 million a year—from the United Nations expanded technical assistance program and additional contributions from the United States—about $5 million this year—for its malaria eradication program.

All of this comes to something less than $25 million a year, surely a modest sum for the achievement of goals as ambitious as WHO's. But rarely, if ever, have dollars been stretched further.

WHO works in cooperation with the health services of the countries which request its assistance. It does not try to do the world health job itself. Rather, it tries to supply the technical expertise which is missing from some national health services. It convenes worldwide committees of experts to study specific problems. It sends consulting experts to advise health officials and to train health personnel. It provides training scholarships. On many occasions, it enters a fruitful partnership with UNCEF—the U. N. Children's Fund—under which UNICEF furnishes the supplies and materials and WHO the technical and professional personnel for a project.

Of course, WHO welcomes the interests of private and voluntary agencies who want to help humanity everywhere.

In recent years, more and more voluntary agencies have given material help and have cooperated with the World Health Organization in establishing hospitals and clinics.

There are 43 nongovernmental organizations with whom WHO maintains official relations. The World Medical Association, which stemmed from the American Medical Association, is among these. Among others is the International Pharmaceutical Federation, the International Council of Nurses and the League of Red Cross Societies.

WHO is collaborating with 1,800 scientific institutions in the world, including laboratories, research units, and scientific studies. Most of these institutions are devoting time and energy on a voluntary basis in the interest of the advancement of science. I understand that only 40 of the 1,800 organizations get any funds from WHO at all. Research is being coordinated in more than 50 laboratories in the field of influenza. Another large number are busy in polio research.

The moral is plain: There is nothing exclusive about WHO or its place in the world. It welcomes, and is designed for, the active support and cooperation of voluntary groups.

It is difficult—even, perhaps, invidious—to attempt to single out one field of WHO activity for special emphasis and discussion. But I would like to talk particularly for a few minutes about the malaria-eradication program which, so far as I know, is history's biggest concerted health activity.

Many diseases are controlled; few are eradicated. And of those few, none in modern times has had the worldwide incidence of malaria. The year WHO was born, 300 million people—about 1 out of every 8 in the world—had malaria. Because even then the disease was virtually unknown in most of North America and northern and western Europe, the proportion in other parts of the world was much higher than 1 in 8. Indeed, in some areas, it could practically be taken for granted that everybody had, had already had, or would have, malaria.

The malaria mortality rate is low—only 1 percent. But even at 1 percent, that meant that in 1948, 3 million people died from malaria.

Over and above this really appalling loss of life, malaria's greatest damage is not as a killer but as a disabler. The customary chills and fever of malaria attacks last only 6 days, but the disease's enervating effects last much longer. It has been estimated that malaria decreases efficiency by about 25 percent for a whole year. Further, it makes its victims more susceptible to other diseases, as for example, pneumonia, and is thereby indirectly responsible for an increased number of deaths from other causes.

As the world's greatest single disabler, malaria is the world's most expensive disease in economic terms. A person with malaria is less than fully productive, if indeed he is productive at all. His food and his clothing have to be produced, and his housing has to be provided, by somebody else. When substantial numbers of people are in this position, it is a burden even on the wealthiest society. But the countries where malaria occurs are mainly underdeveloped. In this kind of economy, the loss of productivity caused by the disease becomes well-nigh insupportable and operates as an effective bar to economic development.

Eradication of malaria, therefore, pays immediate and spectacular dividends, not only in the reduction of human suffering, but also in cold dollars and cents. One of the contributory factors in the increase in food production in India has been the fact that malaria eradication has made it possible for people to live in and cultivate fertile areas which malaria had previously made uninhabitable.

The tools for malaria eradication did not become available until the development of DDT insecticide in World War II. Some national malaria-control programs were already under way when the World Health Organization entered the picture in 1948 and made malaria control a top priority. The distinction between control and eradication is important. WHO's original goal was simply to eliminate malaria from the world as a major public-health problem, and its technique was mainly in DDT-spraying of houses.

It soon became apparent, however, that mosquitoes were developing resistance to DDT, and WHO concluded, in 1955, that the only way to control the disease successfully was to eradicate it totally before the mosquitoes had time to develop complete resistance. This can be done in any given area over a 3-year period by breaking the man-to-mosquito-to-man cycle by which malaria is transmitted. Malaria stays in the blood stream for about 3 years. If mosquitoes can be controlled for 3 years, the disease will die out.

WHO has plans to cover the world in this program over a 5-year period beginning in 1957, and encouraging progress has been made.

The incidence of malaria has been reduced by one-half in the 10 years since 1948.

Mr. President, if WHO had done nothing else, it would have performed a monumental public service. But, as I indicated briefly a moment ago, it has done much else.

Its most dramatic and spectacular accomplishments have been in the field of the infectious diseases—malaria, tuberculosis, yaws, syphilis, yellow fever, influenza, and so forth. This is a reflection of the fact that this is the field in which medicine itself has made its most dramatic advances.

WHO, however, is taking on two other functions which will become increasingly important and significant as the traditional infectious diseases fade into the background. These other functions are in the field of mental health and the field of atomic radiation.

As more people live longer, and as they live under the increasingly complex conditions of modern society, mental illness becomes an ever greater health problem. This is true in highly developed countries such as the United States, I suspect, and it is particularly true in countries undergoing the social stress of changing from a primitive to a modern economy. This is one of the big health problems of the future—perhaps the biggest single problem. Every country on earth needs more knowledge and more professional people trained to attack it. WHO has started none too soon and can, I hope, devote increasing resources to the problem of mental health. The problem particularly needs the approach embodied in WHO's constitution as a state of affirmative well-being and not simply the absence of disease.

The study of the health hazards of atomic radiation is also of the utmost urgency. In view of the controversy surrounding this question and of the division of respectable scientific opinion on the subject, this seems to me a peculiarly appropriate subject for WHO.

The health revolution to which I referred in the beginning has come about through solution of the problem of infectious diseases. This in turn is creating other problems of a social, political, and a medical nature.

The most dramatic result is the increase in population stemming largely from reduced infant mortality. At the present rate, total world population will double by the end of the 20th century, which is not so very far off. That will mean almost five and a half billion people. The demand which these people will make on the natural resources of the world are almost incalculable. The problems of international political organization in such a crowded world—the problems of how this number of people can live peacefully together on the same crowded planet—are equally great.

As more people survive into middle age and old age, the nature of their health problems changes. When life expectancy at birth is no more than 30 or 35 years, not many people live long enough to worry about heart disease or cancer. These two diseases, however, are already the largest killers in the United States and most of Europe; they can be expected to increase in other parts of the world as WHO and its collaborators win the battle of the infectious diseases.

Mr. President, I should like to see WHO take the lead in organizing a concerted worldwide attack on cancer and heart disease. These are certainly appropriate matters for international scientific concern. They should be outside the cold war. There is no ideology in a cancer cell.

In his state of the Union message to Congress in January of this year, President Eisenhower made this proposal to the Soviets. He said:

> We now have it within our power to eradicate from the face of the earth that age-old scourage of mankind: malaria. We are embarking with other nations in an all-out 5-year campaign to blot out this curse forever. We invite the Soviets to join with us in this great work of humanity.
>
> Indeed, we would be willing to pool our efforts with the Soviets in other campaigns against the diseases that are the common enemy of all mortals—such as cancer and heart disease.

The World Health Organization, of which the Soviet Union is a member, seems to me a good place to start these efforts at medical collaboration.

The first decade of WHO has seen more progress in public health than the preceding century. This is a strong statement, but I believe a warranted one. In some countries, life expectancy has increased by 12 years in the last 10. When, previously, in all history, was such progress made?

WHO is, indeed, off to a running start, and it will have to run even faster if in its second decade it matches the progress of its first. Scientific discoveries are outrunning our ability to apply and utilize them. Despite the enormous work which has been done, there are still millions of people who are sick and who could be made well by a single dose of an antibiotic and who could be kept well by simple measures of environmental sanitation.

WHO's work will never be done. This is not cause for despair. It is cause, rather, for pushing ahead even more vigorously. WHO deserves the support of all of us. Mr. President, I am particularly pleased that in the next few days, my own home city of Minneapolis will be host to the World Health Organization and will honor all the good will and solid achievement which WHO represents.

SPECIFIC RECOMMENDATIONS FOR UNITED STATES ACTION

Mr. President, in conclusion, I should like to spell out a few specific points which might in some measure serve to further the great work of WHO.

In particular, I should like to summit recommendations for 7 specific actions.

We in Congress might consider these actions in seeking to help strengthen WHO, as well as furthering the mutual pursuit of WHO's high objectives by the United States, itself.

SUPPORT OF GOAL OF SENATOR HILL'S BILL

First, it is my understanding from newspaper reports that there is in the process of preparation a major bill which is aimed at increased international scientific research and cooperation against the worst diseases of mankind.

I understand that this bill is being prepared and will be introduced by the distinguished senior Senator from Alabama [Mr. HILL], who is universally acknowledged as the dean of legislation in the field of health.

I commend my good friend from Alabama.

I assure him that I, for one, together with my colleagues, will welcome this legislation which, the press indicates, he is preparing and which will be the latest in a long line of outstanding health bills which rightly bear his name.

TWO AMENDMENTS TO MSA BILL

My second and third recommendations bear upon the Mutual Security Act of 1953, S. 3318, which our Senate Committee on Foreign Relations is in the process of marking up.

As I have indicated to my associates, this bill can become a major landmark in the unfolding story of the World Health Organization and related efforts. It can become such a landmark by our adding two relatively brief amendments.

(a) Invitation for widening WHO research: The first amendment would supplement the provision on eradication of malaria which is to be found in this bill, and in previous legislation.

Under this proposed amendment, the Congress of the United States, in addition to restating its policy aimed at the eradication of malaria, would, for the first time, state its overall policy that there should be a strengthening of international research aimed against the major diseases of mankind, such as heart disease, cancer, and so forth.

Under this proposed amendment, the Congress of the United States would specifically invite the World Health Organization to explore the possibility of strengthening of such research.

In response to such a proposed invitation, a detailed study might be made by a WHO committee. This committee would report back to the WHO at a later date. Therefore, no United States funds would, at present, be authorized under the amendment. Funds under the present malaria program would, of course, be continued.

Let me point out that, as the WHO explores this research issue, it would enlist, I hope, the cooperation of Soviet Russia. Such cooperation could in my judgment, prove exceedingly fruitful; not only for the health of mankind, but for the peace of mankind.

I shall have more to say about this in just a moment.

Time is unfortunately short. Since, as I have indicated, the World Health Organization commences its assembly next week and since the mutual-security bill will not have been completed by then, I am stating this matter publicly now in order to help encourage the thinking of interested Members of the Congress and members of WHO.

The policy statement on research, then, would be one of the brief amendments which I would propose to the MSA bill.

(b) Public Law 480 funds for research: A second brief amendment would simply authorize the use of funds generated under Public Law 480 for the specific purpose of coordinated research against the major diseases.

This amendment would be an addition to an amendment which I have already introduced in the form of S. 3313.

Under my S. 3313 amendment—which the administration proposes to accept, but in amended form—Public Law 480

funds could be utilized for the purpose of collecting, collating, translating, abstracting, and disseminating scientific and technological information.

I should like to point out that already, over and above S. 3313, Public Law 480 funds are being effectively utilized for international exchange, education, and information activities.

Under this additional phraseology which I am now suggesting, the Congress would be pinpointing medical research as one of the major purposes for which Public Law 480 agreements might be designed and executed, just as it would pinpoint the dissemination of scientific information as one such purpose.

Consumption of nutritious foods from the farms of the United States help to build and sustain healthy bodies of our friends overseas.

Is it not, therefore, completely logical that, from the sale of these very foods, the currencies which are generated, shall be used to make still healthier the bodies of those who consume those foods?

A healthy individual can help his or her own country. A healthy individual can help make his land a better friend of the United States, a better customer of United States products; a better salesman to the United States.

FOURTH SUGGESTION—SPECIAL UNITED STATES-RUSSIAN RESEARCH FUNDS

I have earlier referred to enlisting the cooperation of Russia. Let me now make my suggestion specific.

If the World Health Organization does act favorably upon the invitation which I am recommending, it is my hope that Soviet Russia may play a major part in such a constructive effort.

How can it do so?

Ultimately, it can do so by contributing a major share of the funds which would be necessary for strengthening research.

We have an excellent precedent for such United States-Soviet contribution of funds.

Under the WHO's malaria program, the United States is making heavy contributions to a special malaria fund. Russia is contributing also; but on a much smaller basis.

I hope that all the nations would contribute to a special research fund, usable against heart disease, cancer, and so forth. Naturally, however, the United States and the Soviet Union might be expected to make the principal contributions.

But allocation of Soviet funds, alone, is not enough. I hope that—

(a) There will be increased Russian attendance and contributions at international medical conferences;

(b) Increased exchanges of Soviet doctors and scientists with American doctors and scientists;

(c) Strengthening of the translation program which is already being effectively carried out at the National Institutes of Health. I refer to the translation of Soviet medical journals, abstracts, and monographs.

These, then, are but a few of the ways which the Russian Government could cooperate with all of the other nations in helping to dedicate science for peace. We, in the Congress, should, in my judgment, provide maximum encouragement for this purpose.

In my judgment, we have hardly scratched the surface in cooperation of this nature between the United States and Russia. In my judgment, this is a field for the pooling of East-West efforts which can strike a major blow, not only for the well-being of mankind, but, indirectly, for the peace of mankind, as well.

FIFTH SUGGESTION—GOVERNMENT OPERATIONS COMMITTEE STUDY

It has been my privilege, as my colleagues may be aware, to serve as chairman of a subcommittee of the Senate Committee on Operations which has been reviewing S. 3126, to create, among other goals, National Institutes of Scientific Research.

In the course of hearings which we have held, we have reviewed the problems of stimulating basic research in mathematics, engineering, the physical sciences; including physics, chemistry, astronomy, geophysics, oceanography, meteorology; biological sciences; and the social sciences.

It is my feeling that this subcommittee might give further attention specifically to the interrelation of basic research into the many fields whose ultimate effect may be the eradication of the major afflictions which beset mankind.

This is a subject which admittedly tends somewhat to cross over committee lines.

Like my colleagues, I have a deep respect for the separate jurisdictions of the various Senate committees. The Senate Committee on Labor and Public Welfare, under the legislative reorganization law, is responsible for health legislation, as such.

The Senate Committee on Government Operations, for analysis of the organization of the executive branch. The Senate Committee on Foreign Relations for the international phases of our activities.

Here, then, are three committees which are now, or will be at work along somewhat parallel paths. It is my hope that there can be the closest cooperation between these three committees without, in any way, impairing their separate functioning.

SIXTH SUGGESTION—BETTER ORGANIZATION OF RESEARCH

My sixth suggestion is for improved coordination of the various medical research activities of the Government, at home and abroad.

Such improved coordination would be particularly necessary if the WHO research, which I envison, is carried out.

It is fortunate that there is a considerable amount of basic and applied medical research already under way in the international field.

The United States Public Health Service, with its great National Institutes of Health, is, of course, the expert medical organization directly responsible for our research against the major diseases. It is bringing in foreign scientists and sending out United States scientists to foreign research facilities.

The United States State Department is responsible for the educational exchange program, which the Nation rightly knows as the Fulbright program. And it is responsible for the Smith-Mundt program. Both of these programs have brought to our shores, and have sent overseas, many outstanding scholars in the field of health.

A third agency, the International Cooperation Administration, has long been responsible for providing technical assistance to strengthen public health and to achieve related objectives, especially in underdeveloped countries.

So, too, in the field of research against disease, important contributions are being made under the research programs of the United States Atomic Energy Commission, and the United States Veterans' Administration.

In my judgment, neither of these research programs is proceeding at the high level of authorization which is essential, respectively, for (a) using atomic energy, that is, radio isotopes, for healing, and (b) for coping with the illnesses faced by the 22 million veterans of the United States.

And I could cite other agencies of the United States Government such as the Department of Defense, which, directly or indirectly, are involved in health, research, and rehabilitation.

Long ago, the Commission on Reorganization of the executive branch of the Government stressed the importance of better coordination of Federal health and research activities. In my judgment, there should definitely be such improved coordination both at home and abroad without, in any way, sacrificing the legal prerogatives of the respective agencies as authorized by the Congress.

SEVENTH SUGGESTION—CONTRIBUTIONS FROM PRIVATE MEDICINE AND DRUG INDUSTRIES

And now, I submit my seventh suggestion. It is a cordial invitation to the splendid nongovernmental groups to make a still greater contribution to the health of mankind.

This is, of course, a Nation of private medicine and of a private pharmaceutical industry.

It is my hope that, from the great private medical, and related professions, and from the great pharmaceutical industry of this land, will come the continued leadership which they can give and, I hope, will give so as to stimulate the "revolution in health" of which I have spoken.

CONCLUSION

WHO can achieve the noble purposes under its Constitution if we and all other nations reexamine what we ourselves can do and should do to help it.

He who has health has hope.

Perhaps these seven suggestions may help, if only in some small way, to provide both health and hope to ourselves and to all mankind.

Mr. President, the State of Minnesota, as the Members of Congress know, will be host to the 10th anniversary commemorative session of the World Health Organization and the 11th session of the World Health Assembly, beginning on

Monday, May 26, 1958. This is a great honor for our State, one for which we express our gratitude and appreciation.

The State of Minnesota is well known not only in the United States but throughout the world for the outstanding skill in medicine at the University of Minnesota. We have indeed gained fame because of the outstanding accomplishments in medical technology and efficiency of the great Mayo Clinic at Rochester, Minn., and in more recent years the Mayo Foundation of both Rochester and Minneapolis, Minn., a foundation which is associated with the University Medical School.

We are very proud, and humbly so, in our State, for the singular advances in the field of medicine, science, and the healing arts. We also feel that we have made considerable progress in hospitalization, both in terms of general hospitals and hospitals for specific illnesses, organic disturbances, or diseases.

Mr. President, I invite the attention of the Senate to the fact that the 10th anniversary commemorative session of the World Health Organization will open at the Leamington Hotel in Minneapolis, Minn., at 1:30 p. m. on Monday, May 26. On that evening at 8:30 p. m. a formal ceremony of the 10th anniversary commemorative session will be held at the Municipal Auditorium of Minneapolis, Minn. The Secretary General of the United Nations, Dag Hammarskjold, will be the featured speaker.

Mr. President, on Tuesday, May 27, there will be a meeting of the respective delegations of the nations in attendance at the session. At the noon hour the Secretary of Health, Education, and Welfare, Mr. Folsom, who is chairman of the United States delegation to the 10th anniversary commemorative session, will be the featured speaker. In the evening of Tuesday, May 27, the speaker will be Dr. Milton Eisenhower.

Wednesday, May 28, will be the opening plenary session of the 11th World Health Assembly.

I invite the attention of the Senate to the fact that two occasions are being celebrated, in a sense.

The first is the 10th anniversary commemorative session, and the second is the 11th World Health Assembly.

At the conclusion of my remarks, Mr. President, I ask unanimous consent to have printed in the RECORD a press release from the Department of State, which outlines the United States participation in the important World Health Assembly and also lists the honorary delegates, the honorary members of the delegation, the alternate delegates, the Congressional advisers, and the advisers who will attend on behalf of the United States Government.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

President Eisenhower has designated the Honorable Marion B. Folsom, Secretary of Health, Education, and Welfare to head the United States delegation to the 2-day 10th anniversary commemorative session of the World Health Organization (WHO) opening on Monday, May 26, 1958, in the Municipal Auditorium at Minneapolis, Minn.

At the same time, the President designated Leroy E. Burney, M. D., Surgeon General of the Public Health Service, Department of Health, Education, and Welfare, to be chief delegate and chairman of the United States delegation to the 11th World Health Assembly convening on Wednesday, May 28, at Minneapolis.

The Honorable Francis O. Wilcox, Assistant Secretary of State for International Organization Affairs, and Charles Mayo, M. D., of the Mayo Clinic at Rochester, Minn., have been designated delegates to serve with Secretary Folsom. Dr. Mayo and John W. Hanes, Jr., Deputy Assistant Secretary of State for International Organization Affairs, were designated to serve with Dr. Burney as delegates to the 11th World Health Assembly.

Honorary delegates and honorary members of the delegation to the 10th anniversary commemorative session are:

HONORARY DELEGATES [1]

The Honorable HUBERT H. HUMPHREY, United States Senate.

The Honorable EDWARD J. THYE, United States Senate.

The Honorable EUGENE J. MCCARTHY, House of Representatives.

The Honorable JOSEPH P. O'HARA, House of Representatives.

The Honorable WALTER H. JUDD, House of Representatives.

The Honorable ROY W. WIER, House of Representatives.

Leroy E. Burney, M. D., Surgeon General, United States Public Health Service, Department of Health, Education, and Welfare.

David Allman, M. D., president, American Medical Association, Chicago, Ill.

Frank G. Boudreau, M. D., director, Milbank Memorial Fund, New York, N. Y.

Ulrich Bryner, M. D., Salt Lake City, Utah.

Howard B. Calderwood, Ph. D., Office of Economic and Social Affairs, Department of State.

Lowell T. Coggeshall, M. D., dean, Division of Biological Sciences, University of Chicago.

Albert W. Dent, president, Dillard University, New Orleans, La.

Martha M. Eliot, M. D., professor, Harvard School of Public Health, Boston, Mass.

John W. Hanes, Jr., Deputy Assistant Secretary of State for International Organization Affairs.

Ira V. Hiscock, professor of public health, Yale University, New Haven, Conn.

H. van Zile Hyde, M. D., chief, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

Virgil T. Jackson, Sr., D. D. S., New Orleans, La.

Frank H. Krusen, M. D., professor of physical medicine and rehabilitation, Mayo Clinic, Rochester, Minn.

Mrs. Oswald B. Lord, United States Representative to the Human Rights Commission of the United Nations, New York, N. Y.

George F. Lull, M. D., assistant to the president, American Medical Association, Chicago, Ill.

Edward J. McCormick, M. D., surgeon, St. Vincent's Hospital, Toledo, Ohio.

Aims C. McGuinness, M. D., special assistant for health and medical affairs, Department of Health, Education, and Welfare.

Mrs. Katherine B. Oettinger, Chief, Children's Bureau, Social Security Administration, Department of Health, Education, and Welfare.

Arthur S. Osborne, M. D., international health representative, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

Thomas Parran, M. D., dean, graduate school of public health, School of Medicine, University of Pittsburgh, Pittsburgh, Pa.

James E. Perkins, M. D., managing director, National Tuberculosis Association, New York, N. Y.

Dean Rusk, president, Rockefeller Foundation, New York, N. Y.

Jonas E. Salk, M. D., commonwealth professor of experimental medicine, University of Pittsburgh, Pittsburgh, Pa.

Leonard A. Scheele, M. D., president, Warner-Chilcott Laboratories, Morris Plains, N. J.

Mary Switzer, director, Office of Vocational Rehabilitation, Department of Health, Education, and Welfare.

Herman G. Weiskotten, M. D., dean emeritus, College of Medicine, New York State University, New York, N. Y.

Louis L. Williams, M. D., consultant, Pan American Sanitary Bureau, Washington, D. C.

HONORARY MEMBERS OF THE DELEGATION [2]

Donald M. Alderson, colonel, USAF (MC), Office of the Assistant Secretary of Defense, (Health and Medical).

Ray Amberg, hospital administrator, University of Minnesota Hospitals, Minneapolis, Minn.

Gaylord Anderson, M. D., director, School of Public Health, University of Minnesota, Minneapolis, Minn.

Guillermo Arbona, M. D., secretary of health, Puerto Rico Department of Health, San Juan, Puerto Rico.

R. N. Barr, M. D., secretary and executive officer, Minnesota Department of Health, Minneapolis, Minn.

Ann Burns, chief, Division of Nursing, Ohio Department of Health, Columbus, Ohio.

Eugene P. Campbell, M. D., chief, Public Health Division, International Cooperation Administration.

H. Trendley Dean, D. D. S., secretary, Council of Dental Research, American Dental Association, Chicago, Ill.

Harold S. Diehl, M. D., dean, School of Medical Sciences, University of Minnesota, Minneapolis, Minn.

Charles L. Dunham, M. D., Director, Division of Biology and Radiation, Atomic Energy Commission.

Herman E. Hilleboe, M. D., commissioner of health, State Health Department, Albany, N. Y.

Charles A. Janeway, M. D., Thomas Morgan Rotch professor of pediatrics, Harvard School of Medicine, Harvard University, Boston, Mass.

Richard K. C. Lee, M. D., president, Board of Health, Honolulu, Hawaii.

Philip E. Nelbach, executive secretary, National Citizens Committee for the WHO, Inc., New York, N. Y.

Mrs. Owen B. Rhoads, Paoli, Pa.

Robert O. Waring, Office of International Administration, Department of State.

Abel Wolman, M. D., professor of sanitary engineering, Johns Hopkins School of Public Health and Hygiene, Baltimore, Md.

Laurence R. Wyatt, International Health Representative, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

The following have been named alternate delegates, Congressional advisers, and advisers to the 11th World Health Assembly:

ALTERNATE DELEGATES

Howard B. Calderwood, Ph. D., Office of Economic and Social Affairs, Department of State.

Lowell T. Coggeshall, M. D., dean, Division of Biological Sciences, University of Chicago.

H. van Zile Hyde, M. D., Chief, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

[1] The honorary delegates in accordance with WHO procedures will be officially accredited as alternate United States delegates.

[2] The honorary members of the delegation in accordance with WHO procedures will be officially accredited as advisers.

George F. Lull, M. D., assistant to the president, American Medical Association, Chicago, Ill.

Aims C. McGuinness, M. D., Special Assistant to the Secretary of Health, Education, and Welfare for Health and Medical Affairs.

Arthur S. Osborne, M. D., International Health Representative, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

CONGRESSIONAL ADVISERS

The Honorable HUBERT H. HUMPHREY, United States Senate.

The Honorable EDWARD J. THYE, United States Senate.

The Honorable EUGENE J. MCCARTHY, House of Representatives.

The Honorable JOSEPH P. O'HARA, House of Representatives.

The Honorable WALTER H. JUDD, House of Representatives.

The Honorable ROY W. WIER, House of Representatives.

ADVISERS

Donald M. Alderson, colonel, United States Air Force (medical corps), Office of the Assistant Secretary of Defense (Health and Medical).

Ray Amberg, hospital administrator, University of Minnesota Hospitals, Minneapolis, Minn.

Gaylord Anderson, M. D., director, School of Public Health, University of Minnesota, Minneapolis, Minn.

Guillermo Arbona, M. D., Secretary of Health, Puerto Rico Department of Health, San Juan, P. R.

R. N. Barr, M. D., secretary and executive officer, Minnesota Department of Health, Minneapolis, Minn.

Ann Burns, chief, Division of Nursing, Ohio Department of Health, Columbus, Ohio.

Eugene P. Campbell, M. D., chief, Public Health Division, International Cooperation Administration.

H. Trendley Dean, D. D. S., secretary, Council on Dental Research, American Dental Research, American Dental Association, Chicago, Ill.

Harold S. Diehl, M. D., dean, School of Medical Sciences, University of Minnesota, Minneapolis, Minn.

Charles L. Dunham, M. D., Director, Division of Biology and Radiation, Atomic Energy Commission.

Herman E. Hilleboe, M. D., Commissioner of Health, State Health Department, Albany, N. Y.

Charles A. Janeway, M. D., Thomas Morgan Rotch professor of pediatrics, Harvard School of Medicine, Harvard University, Boston, Mass.

Richard K. C. Lee, M. D., president, Board of Health, Honolulu, Hawaii.

Philip E. Nelbach, executive secretary, National Citizens Committee for the WHO, Inc., New York, N. Y.

Mrs. Owen B. Rhoads, Paoli, Pa.

Robert O. Waring, Office of International Administration, Department of State.

Abel Wolman, M. D., professor of sanitary engineering, Johns Hopkins School of Public Health and Hygiene, Baltimore, Md.

Laurence R. Wyatt, International Health Representative, Division of International Health, Bureau of State Services, United States Public Health Service, Department of Health, Education, and Welfare.

Harry V. Ryder, Jr., Office of International Conferences, Department of State will serve as Secretary of the United States delegation to both the commemorative session and the 11th World Health Assembly.

This is the first time that WHO has met in the United States since its organization meeting at New York in 1948. Some 300 official delegates from among the 88 member nations of WHO will attend the 1958 assembly. Observers from the United Nations, the specialized agencies and other intergovernmental organizations, as well as from many nongovernmental organizations in the health and medical fields, will also participate.

The 10th anniversary commemorative session will be a ceremonial review of 10 years of health progress.

The World Health Organization, a specialized agency of the United Nations with headquarters at Geneva, Switzerland, is the worldwide agency through which the nations of the world coordinate health action on an international scale. The past decade of achievements (made possible through the cooperation of local, national, regional, and international health organizations) embraces three major types of activity: the first type includes technical assistance to health programs of member states to combat major communicable diseases such as malaria, tuberculosis, yaws, smallpox; as well as the raising of health levels to better environmental sanitation, and the expansion of maternal and child health projects and other health measures.

Secondly, aiding countries to develop training schools and teaching staffs, awarding fellowships for international study to health personnel, and other forms of educational assistance with a view to strengthening indigenous health services of member countries.

Thirdly, providing health programs benefiting all countries, such as worldwide reporting of the appearance and spread of epidemics, development of standard specifications and common names for drugs, promotion of uniform international quarantine measures, and stimulation and coordination of research and prompt dissemination to all nations of information on advancements made in health and medicine.

The assembly meets in regular annual session and determines the policies of the organization. At the 11th Assembly various plenary sessions will, among other things, review the work of WHO in 1957, elect 6 member countries to designate health experts to fill the 6 annual vacancies on the 18-man executive board, and review and approve resolutions recommended by the two main committees (program and budget, and administration, finance and legal). A plenary session will witness the award of the 1958 Leon Bernard Foundation Prize to Dr. Thomas Parran, former Surgeon General of the United States Public Health Service, for outstanding achievements in the field of public health. Other agenda items of special interest include the Director General's proposed program and budget for 1959; the first report on the world health situation based on reports from member countries on health programs and progress; proposals relating to WHO's program in peaceful uses of atomic energy; worldwide eradication of smallpox; and a proposed program in sports medicine to be undertaken by WHO.

Selection of the site of the 12th World Health Assembly will also be determined at this session.

The 11th session of the World Health Assembly is scheduled to close on June 14.

THE MUTUAL SECURITY PROGRAM

Mr. SMITH of New Jersey. Mr. President, during the past winter, two public-spirited Representatives, CARNAHAN, of Missouri, and MERROW, of New Hampshire, traveled across America conducting forums and answering questions on the mutual security program. During the debate on the bill in the House last week, they gave a resume of their findings of public reaction to the program.

On May 5 Mr. Roscoe Drummond devoted his column to a description of the work of these two Congressmen, and he reports the significant fact that:

After the facts of the foreign-aid program had been set forth, they never found more than 5 percent in any of their many audiences who were against continuing the program.

This is the voice of a goodly cross section of the people of America. It is plain that they want Congress to enact a strong mutual-security bill this year.

I ask unanimous consent that the article by Mr. Drummond, entitled "Congressmen Get Public's Own Ideas of Foreign Aid," which appears in the Herald Tribune of May 5, 1958, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESSMEN GET PUBLIC'S OWN IDEAS OF FOREIGN AID

(By Roscoe Drummond)

WASHINGTON.—Very soon now, Congress is going to hear from the grassroots as to what a large cross section of people really think about the mutual-security program and economic aid.

It will be a rather surprising report. It will be delivered in person on the floor of the House by two highly respected members of the Foreign Affairs Committee, Representative A. S. J. CARNAHAN, Democrat, of Missouri, and Representative CHESTER E. MERROW, Republican, of New Hampshire.

Congressmen CARNAHAN and MERROW have earned their credentials. They know what they are talking about and they didn't learn it from a Government handout or by reading public opinion polls or by sitting behind their desks in the House Office Building.

Over several 2-week periods since the opening of Congress they have been traveling and tromping across the whole country talking with people, listening to people, asking questions, answering questions, and providing facts about the foreign-aid program in order that their audiences could make up their minds on the basis of the facts.

During this period they have traveled 15,000 miles to 36 cities in 25 States, made 90 platform appearances, appeared on 33 TV shows, delivered 31 broadcasts, and held 28 press conferences.

And shortly, when the mutual aid bill comes to the floor, they are going to tell Congress what they heard and what they found. They will do it at the request of the Foreign Affairs Committee. It will be an unusual procedure in that Mr. MERROW and Mr. CARNAHAN will reenact for the whole House one of their typical question-and-answer sessions with typical grassroots audience.

Anyone talking with Congressmen CARNAHAN and MERROW can see why their audiences liked to question them and listen to their answers. Neither is a Bryan or a Dale Carnegie. They are as unpretentious and solid and authentically American as doughnuts and a sharp single through shortstop. Both are former school teachers, one in the social sciences and the other in the physical sciences. They are accustomed to offering facts in answer to questions, so that the questioner can better think for himself. One night they went on a disc jockey show for 30 minutes and ended up answering telephoned questions for 3 hours.

What they found was this:

That the foreign-aid program is just about the most misunderstood thing in the whole United States—more misunderstood than the sack, the dismal showing of the Los Angeles Dodgers or Einstein's $E=MC^2$.

That when the people get the facts in their hands about the real results of the program—the way it strengthens the defenses of the United States and helps our

own economy as well as other economies, they favor it overwhelmingly and want to see it carried forward.

That many critics of mutual security are absolutely flabbergasted to learn that the United States never did build shower baths for Egyptian camel drivers or send striped pants to Greek undertakers or penguins to the King of Saudi Arabia—that these are simply tall tales made up by those who try to show that economic aid is a senseless giveaway.

That while their audiences wanted hard, factual answers to practical questions—and got them—Congressmen MERROW and CARNAHAN were impressed by the number of people who, quite apart from self-interest, believed it was morally right for America to help others help themselves.

That after the facts of the foreign-aid program had been set forth, they never found more than 5 percent in any of their many audiences who were against continuing the program.

The House Foreign Affairs Committee has just approved this year's mutual security legislation with a cut of $339 million in the appropriations ceiling. But the real test is still ahead in the Appropriations Committees and in the Senate.

The judgment of Representatives CARNAHAN and MERROW is that Congress will do what the American people want if they make their voices heard.

THE USIA PROGRAM FOR DISSEMINATION OF INFORMATION REGARDING UNITED STATES FOREIGN POLICY

Mr. SMITH of New Jersey. Mr. President, within a short time, the Senate will be considering the State Department-Justice-USIA appropriation bill. The importance of the USIA program and its excellent objective of making other peoples in the world aware that their aspirations for economic development and independence are compatible with the aims of our foreign policy, is often overshadowed by sniping, budgetary and otherwise.

The legitimate growth needs of this organ for the dissemination of our foreign policy must, in this era of psychological and political cold war, be seriously considered by the Congress.

In this connection, Mr. President, I ask unanimous consent that an editorial on the USIA, entitled "Truth Is the Only Weapon," which appeared in the Herald Tribune of May 20, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRUTH IS THE ONLY WEAPON

We hear so much of Soviet propaganda victories we sometimes wish we had a few more ourselves. How easy it would be to undertake huge enterprises merely for the sake of the effect they produced, to let off bunches of hot-air promises like so many circus ballons.

How easy and how wrong. For in the battle for the allegiances of men's minds now being fought from one corner of the globe to the other, there is only one weapon—truth. And, despite the eager and unremitting labor of Soviet propagandists—who in fact can no longer tell one from the other—truth cannot be forged from falsehood.

That is why, as George Allen, director of the United States Information Agency, remarked the other day, the American aim is a "steady long pull" to tell the world the plain facts about this country. We are not interested in staging stunts to amaze the eyes and ears. We do not want a machine to fire off lies or screech boats according to the exigencies of the moment. We never want to become the kind of people who could say what the Soviets said about their crime in Hungary. In the propaganda struggle, our only objective is for people to know us as we are.

But we should remember at the same time that it is never easy for people, particularly if they are remote and poorly educated, to know another country. That is why the USIA has such a tremendous job to do all over the world. It is a hard job too, and not made easier by the sniping, budgetary and otherwise, which Congress regularly subjects it to. It is a sad commentary that Mr. Allen's post is known as the most inglorious in Washington.

We have the reputation of yearning to be liked and understood by foreigners. They have to be given the chance first.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5836) to readjust postal rates and to establish a Congressional policy for the determination of postal rates, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 378) to authorize the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10746) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1959, and for other purposes, and that the House receded from its disagreement to the amendments of the Senate numbered 14, 18, and 22 to the bill, and concurred therein.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 1466. An act for the relief of Dr. Thomas B. Meade;

H. R. 2763. An act for the relief of Hong-to Dew;

H. R. 6176. An act for the relief of Fouad George Baroody;

H. R. 6731. An act for the relief of Harry Slatkin;

H. R. 7203. An act for the relief of Dwight J. Brohard;

H. R. 9395. An act for the relief of Cornelia V. Lane;

H. R. 9490. An act for the relief of Sidney A. Coven;

H. R. 9514. An act for the relief of Valleydale Packers, Inc.;

H. R. 9775. An act for the relief of William J. McGarry;

H. R. 9991. An act for the relief of Felix Garcia; and

H. R. 9992. An act for the relief of James R. Martin and others.

THE MANSFIELD AMENDMENT AND THE MIDDLE EAST RESOLUTION

Mr. MANSFIELD. Mr. President, in his press conference on May 20, the Secretary of State had occasion to refer to the Eisenhower doctrine which he described as the "Middle East resolution." He noted that—

There is a provision of the Middle East resolution which says that the independence of these countries is vital to peace and the national interest of the United States. That is certainly a mandate to do something if we think that our peace and vital interests are endangered from any quarter.

Later in his remarks he referred to this provision as the so-called Mansfield amendment.

I ask unanimous consent to insert at this point in the RECORD the relevant portions of the transcript of the Secretary's press conference.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Question. Mr. Secretary, during the earlier stages of the Lebanese crisis there seemed to be some nonundertsanding as to whether the Eisenhower doctrine applied in this case. However, it seems that later we came to feel that we liked Lebanon, although the Eisenhower doctrine probably did not specifically apply, and, therefore, would aid her if requested. I wonder if you could clear up this confusion that some of us have, sir?

Answer. I suppose that by the Eisenhower doctrine you refer to the Middle East resolution that was adopted by the Congress. That resolution contains several provisions. It is not just one thing. It authorizes the United States to assist economically and militarily nations which want such assistance in order to preserve their independence.

It says that the independence and integrity of these nations of the Middle East is vital to world peace and the national interest of the United States. It says that if they are attacked from a country under the control of international communism then the President is authorized, upon request, to send forces to resist that attack.

DOES NOT FORESEE ATTACK

Now we do not consider under the present state of affairs that there is likely to be an attack, an armed attack, from a country which we would consider under the control of international communism. That doesn't mean, however, that there is nothing that can be done.

There is the provision of the Middle East resolution which says that the independence of these countries is vital to peace and the national interest of the United States. That is certainly a mandate to do something if we think that our peace and vital interests are endangered from any quarter.

There is the basic right, and almost duty, at the request or with the consent of a Government, to assist in the protection of American life and property. There is the program of military assistance which we render to many countries, including Lebanon, in terms of giving them equipment and certain measures of military training and techniques, and helping them train technicians to use this equipment. So that there are a number of areas of possible action if the situation calls for it.

I would say that we are not anxious to have a situation which would be in any sense a pretext for introducing American forces into the area. We hope and believe that that time will not be called for and the situation, to date, does not suggest that it would be called for.

Question. Mr. Secretary, I would like to clear up one point on this Middle East doctrine or Middle East policy you talked about awhile ago. You said that there is a provision in the resolution which states that the independence of the countries of the Middle East is vital to security of the United States—the peace and security of the United States.

Answer. Yes. That's the so-called Mansfield amendment.

CITES CONGRESS ROLE

Question. Yes. Then you said that this surely is a mandate to do something if we think that the peace and security of those countries is threatened from any quarter. Does this represent a broadening by interpretation of the possibility of action to be taken under that resolution? The reason I ask is that I think most of us had always believed that the authority of the resolution applied almost exclusively to actions against international communism.

Answer. You recall that as the resolution was sent up to the Congress by the President there was not in the resolution the particular sentence to which I refer; that was introduced by the Congress itself.

And I assume that the introduction of that resolution had a meaning and had a significance. You cannot, as a matter of legislative history, assume that when you put a new sentence into a resolution that it is utterly meaningless. We assume that the Congress does not do things that are utterly meaningless.

Mr. MANSFIELD. Let me note, to keep the record straight, that there was only one so-called Mansfield amendment adopted to the Middle East resolution. It had nothing to do with the provision to which Secretary Dulles referred in his press conference.

A resolution which I offered on the floor and the only so-called Mansfield resolution which was adopted reads as follows:

The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region (sec. 4, Public Law 85–7, 85th Cong.).

This amendment was adopted.

Let me say again for the record that there may have been and undoubtedly was some understandable confusion by the fact that I did offer several amendments to the Eisenhower resolution, for purposes of discussion and clarification, which were considered and rejected in committee. One of these did have something to do with the matter to which the Secretary referred. As for the intent of these amendments, however, it was made perfectly clear in a speech in the Senate on February 21, 1957. I ask unanimous consent that the text of this speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, President Eisenhower's original proposal on the Middle East, in my opinion, had two basic weaknesses. In the first place, the proposal distorted the constitutional principle of separation of powers. In the second place, the manner in which it was presented was such as to suggest a bold new policy, a new doctrine for dealing with the grave problems of the Middle East. In fact, the approach is not new, and the most critical problems of the Middle East are touched hardly at all by the resolution.

The actions of the members of the combined Committees on Armed Services and Foreign Relations and the initiative of the able and distinguished Senator from Minnesota [Mr. HUMPHREY] have helped to correct the first weakness in the President's proposal, namely, the constitutional weakness.

The amended resolution, Senate Joint Resolution 19, the version which has come from the committees, is similar to the President's in one respect. It states at least as clearly that this country regards as vital to our national interests and world peace the preservation of the independence and integrity of the nations of the Middle East. It states at least as clearly the determination of the United States to use whatever legitimate means may be necessary to prevent armed aggression from destroying the independence and integrity of those nations.

Yet there is a difference. It is a difference in words, but it is an enormous difference. It does not affect the principal purpose of the resolution which is to forestall Communist aggression in the Middle East. On the contrary, it strengthens that purpose. It does affect, however, and it affects most profoundly, the constitutional processes by which this purpose shall be pursued.

Under the original version, Congress was asked to authorize the President to use Armed Forces in the Middle East. "Authorize" was the key word. The committee version strikes that dangerous constitutional concept from the resolution. By so doing, it places responsibility for the use of Armed Forces, short of a declaration of war, more definitely where it belongs under the Constitution—on the President alone.

Is this a mere quibbling over words, Mr. President? I do not believe it is. I do not believe the Senate will so regard it. We shall not so regard it if we stop to consider that in almost 170 years of constitutional practice, the Formosa resolution and this resolution are, so far as I am aware—and I have done some research on this matter—the only cases in which a President has asked Congress in this fashion for authority to employ the Armed Forces prior to a declaration of war. Yet the Armed Forces have been used to protect American interests abroad many times throughout our history without a declaration of war.

Mr. President, if in almost 170 years of constitutional practice there are only two cases of this kind, both under the same President and both in the last few years, then it ought to be clear that this change which the committees have made involves far more than a mere quibbling over words. What is involved is perhaps more fundamental than the action we may or may not take in the Middle East crisis. It is a matter which goes to the heart of our system of government.

I realize, Mr. President, that in trying to remove the constitutional weakness in the resolution, the committees were dealing with a very difficult question. It may not be possible ever to draw with words that precise point at which the President's responsibilities as Commander in Chief of the Armed Forces divides from the Congressional authority to declare war. It is a distinction that lies in a twilight zone of constitutional power between the executive and legislative branches of the Government.

The committee's effort, however, has the merit of reversing the possibly dangerous precedent set by the Formosa resolution several years ago, a precedent which would have been reinforced by the acceptance of the President's version of the pending resolution. Carried to a logical extreme, an accumulation of precedents in which Congress authorizes the President to use the Armed Forces, could have only two possible outcomes.

I speak now not of what should be likely today or tomorrow or next year but of the decades which lie ahead. It is the responsibility of each Senator individually and of the Senate as a whole to measure actions taken by this body not only against the needs of the hour but for the long future when others will have to live with the consequences of our acts.

Carried to a logical conclusion, precedents of authorizing the President to use the Armed Forces could lead on the one hand to this result: They could eventually convert a fundamental power of the Presidency—the power to command the Armed Forces—into a Congressional function.

If the President comes to us now for permission to order the Armed Forces to fire if necessary in the Middle East, how long will it be before other Presidents will feel impelled to come to Congress for permission to move the Armed Forces to the firing line? Where would this trend leave the country in a nuclear age when instant decisions by the President may be necessary?

Reduced to their logical extreme, these precedents, authorizing the President to use the Armed Forces, could bring about slowly, almost imperceptibly, fundamental changes in our system of government. We could be moving it on the one hand in the direction of a parliamentary form of government, with the President reduced either to a figurehead or to a mere agent of Congress.

As the able majority leader, the distinguished senior Senator from Texas [Mr. JOHNSON], has said in discussing the word "authorize" in the original resolution, it would "create a precedence for a weaker Presidency." The resolution as amended strengthens, reaffirms, and reasserts the constitutional authority of the President as Commander in Chief of the Armed Forces of the United States.

The new wording reasserts that Presidential power, moreover, at the same time that it shuts off still another avenue of distortion of our constitutional system which was possible under the original resolution. In authorizing, Congress would accept responsibility for the actions which will be taken pursuant to the authorization. It would assume responsibility for actions which have not yet taken place and whose nature we cannot anticipate. It would endorse, in effect, whatever employment the President sees fit to make of the Armed Forces. Under a system of separate powers, however, Congress does not control that employment. Congress would approve in advance whatever uses are made of the authorization, whether they are wise uses or foolish uses, whether they are cautious uses or reckless uses. Congress, in short, would impair its right of independent criticism and correction. That course invites the irresponsible use of executive power by sharing responsibility in matters over which Congress has no control and little specific knowledge. At the end of that road lies executive tyranny.

It may be contended, I suppose, that the original language of the resolution could not have worked both ways, that it could not have provided precedence both for a parliamentary system of government and arbitrary Executive power. Mr. President, that is precisely what I believe to be the case. In its original phraseology, the resolution was a significant step away from the system of checks and balances. That much is certain even though the direction of the step might not be clearly visible except in retrospect.

I do not suggest that if we had accepted the initial version, we would reach under the Presidency of Mr. Eisenhower the extreme of Executive tyranny any more than we would find ourselves suddenly functioning under a parliamentary system of government. I do say, however, that both pos-

sibilities were implicit in the language of the original resolution.

I know that the Senate shares my conviction that the form of government under which we live is worth preserving beyond the lifetime of the President or any of us in the Senate. That is why I believe the committees of the Senate were not quibbling when they altered the language in the pending resolution. They were performing a distinguished service to the Nation.

The President came to Congress for authority to use the Armed Forces prior to a declaration of war. By this change, the committees have reminded the President that only the Constitution can give him that authority.

The President came to Congress with a request that it assume responsibility for actions which may involve the use of armed forces short of a declaration of war. The committees have reminded the President that under the Constitution that only he can assume that responsibility.

At the outset of my remarks, I noted that the original version of the resolution had not one, but two weaknesses. Amendment by the committee has corrected the constitutional weakness. As for the second, the hearings and the report of the committees reveal its presence but I believe it remains uncorrected in the present version. It was for that reason that I voted against reporting this measure. I wished to reserve unimpaired my right to bring to the attention of the entire Senate what I believe to be this second basic weakness.

Mr. President, only two major provisions are involved in the pending resolution, as the distinguished Senator from New Jersey [Mr. SMITH] so ably pointed out in his analysis the other day. The first emphasizes our determination, in the defense of vital national interests, to act to prevent Communist aggression in the Middle East. The second gives the executive branch greater flexibility in dispensing $200 million in public funds already appropriated for military and other assistance to the nations of that region. In connection with the latter provision, the executive branch originally sought total flexibility; but again the work of the two committees has served to retain at least some restraints. The distinguished majority leader [Mr. JOHNSON], the senior Senator from Virginia [Mr. BYRD], the senior Senator from New Hampshire [Mr. BRIDGES], and the senior Senator from Massachusetts [Mr. SALTONSTALL] were instrumental in securing in committee adoption of amendments to that effect.

If I may reiterate, then, the joint resolution, as reported, has only two principal elements: First, it emphasizes the national determination to take whatever measures may be necessary to defend our vital interests against Communist aggression in the Middle East. Second, it gives the executive branch greater flexibility in spending $200 million already appropriated. That is all the resolution does in law.

Is that all it does in fact? Is that the impression the resolution has created at home and abroad? Was that the actual intent of the resolution?

If the President believed it was essential merely to emphasize what is already known—namely, our determination to oppose Communist aggression—then a resolution confined to that purpose would have sufficed. The distinguished senior Senator from Georgia [Mr. RUSSELL] repeatedly noted that point during committee consideration of the measure.

However, the executive branch was adamant in its insistence that the expression of opposition to Communist aggression must not be separated from the aid provisions of the resolution. But as I have already noted, these provisions involve merely the granting of greater flexibility to the President in the use of $200 million in funds already appropriated. In itself, Mr. President, that is not an inordinate demand. If that was all that was desired, a simple request from Mr. Eisenhower, I believe, would have brought prompt changes in existing legislation.

That was not the way, however, in which the matter was handled by the executive branch. On the contrary, the manner of presentation gave the proposed resolution a tremendous and worldwide significance. I recall, as do other Members, I am sure, the personal appearance of the President at a joint meeting of both Houses of Congress. I recall the sense of urgency and crisis which was injected into the proceedings.

We found ourselves dealing with more than a simple reiteration of opposition to Communist aggression. We found ourselves dealing with more than minor changes in appropriations legislation. We were confronted with what was promptly labeled in this country and throughout the world as a new policy for the Middle East—or, even more, a new doctrine. A change to a new policy, Mr. President, is always a matter of great importance to the people of the United States. A new doctrine is of even greater moment. It implies a course of action with which we shall have to live for decades to come.

That is the impression which this resolution created, both at home and abroad. If the executive branch did not deliberately create the impression, that branch certainly did nothing to allay it. The committee's hearings and report have attempted to correct it, but I am afraid that the distortion is now too widespread. Even here in the Senate, during the present debate, we have heard repeated reference to the Eisenhower doctrine.

Mr. President, I do not know whether a new doctrine is required for the Middle East. I do know that we need, and need urgently, a new policy. The manner in which this resolution has been handled by the executive branch has created the illusion of one, but in my opinion it does not even begin to provide the basis for one.

What it does do is to restate in more emphatic tones, as the result of the committee's amendment, our determination, in our national interests, to oppose Communist aggression in the Middle East. I would have thought that repeated statements by former President Truman and President Eisenhower and the Secretary of State had made clear that opposition. Nevertheless, if the President wishes a reaffirmation in which Congress joins, I can see no objection to the resolution as now phrased. But neither can I see a new policy.

The resolution also promises to continue military and economic aid to the Middle East in the same pattern into which it has fallen of late. If anything, with the removal of legislative restraints at the request of the President, the pattern may now become more aimless and more questionable.

What the resolution does not promise, but what it ought to promise, is action directed at the basic causes of the present tensions in the Middle East. It ignores the Suez difficulties. It ignores the Arab-Israeli dispute. It touches hardly at all on the real economic instability in the region. It ignores Soviet and other arms traffic in the Middle East which has intensified all the problems in that area.

Mr. President, if the Senate is going to join with the President in a national statement of policy, then I believe that statement ought to be more worthy of the United States than is this resolution. I believe the statement ought to illuminate our long-range purposes in the Middle East. It ought to express our deep concern over threats of aggression in that region, from whatever direction they may stem. It ought to make clear our opposition to the indiscriminate pouring of arms into that region from Soviet and other sources. It ought to emphasize our support of the efforts of the United Nations emergency forces which have performed a major service to mankind in preventing, to date, a renewal of the bloodbath between Israel and Egypt. It ought to make clear that this country is not going to subsidize endlessly with aid funds the prejudices and oppressions which for years have kept the Middle East on the brink of turmoil. It ought to make clear that if we are going to ask the citizens of the United States to appropriate hundreds of millions of dollars for activities in the Middle East, then the expenditure of those funds by the executive branch must be linked, as was the Marshall plan in Europe, to constructive programs of specific nature, amount, and duration.

Mr. President, the work on the constitutional question by the Senate's committees has already made this resolution a far better measure than it was when it reached us. I hope the Senate, before it completes action, will act to bring about additional improvement. I hope we shall set forth the guidelines of a policy in the Middle East, a constructive policy which the people of the United States can accept in good conscience, a policy which will evoke the support of decent people in the Middle East and elsewhere in the world.

In the committee, I submitted three amendments to the resolution. These amendments were defeated, as the Members know, by virtually a straight party vote. I regret that division. There was nothing partisan in the intent of the proffered amendments, and I cannot believe that the Senators on the other side of the aisle are united in opposition to their purposes. For what are those purposes, Mr. President?

One amendment was designed to encourage the President to seek international control over the flow of armaments into the Middle East from Soviet and other sources. As the Secretary of State made perfectly clear in his testimony before the committees, this traffic is a major source of tension. It was this traffic which set the groundwork for the recent conflict in the Suez region. Unless it is controlled in the interests of peace, it may well set off another explosion, perhaps this time with the involvement of American forces. I cannot believe the Senators on the other side of the aisle are united in their determination to prevent the inclusion in a national statement of policy on the Middle East, a clear expression of our desire to control the dangerous flow of arms into that area.

The second amendment which I proposed, Mr. President, reaffirms our moral and material support of the United Nation emergency force which is maintaining the truce in the delicate situation surrounding Suez. The acceptance of this amendment will emphasize that this country stands with the United Nations whenever that organization is really contributing to the preservation of peace. The United States, the entire world, owes a debt of gratitude to the smaller nations whose armed forces make up the United Nations emergency force in the Middle East. Without that force, it is not impossible that the great powers, including ourselves, might now be locked in combat in that area. In these circumstances, I cannot believe that the Senators on the other side of the aisle are united in opposing an expression of support for the United Nations forces in the Middle East in a statement of the policy of this Government.

The third amendment, Mr. President, represents an attempt to clarify a matter which I know has troubled members of both parties. It is the uncertainty as to where our aid policies respecting the Middle East are headed. It is the fear that in granting flexibility in the use of $200 million for several months we shall be setting the stage for programs which will run on for years and

into many times that amount, without bringing any closer the elusive goal of peace in the Middle East.

This amendment, if it is adopted, Mr. President, will not foreclose assistance to the Middle East. It will emphasize, however, that before we go much further in this respect, the Senate expects to know how much is involved, what kind of aid is involved, and how long it will be involved. Most of all, it will make clear that the Senate expects aid to be related to a specific program that facilitates a settlement of the Suez dispute and the Arab-Israeli conflict, and otherwise promotes lasting stability in the Middle East. That kind of aid program, Mr. President, and only that kind, promises to serve our long-range interests in the Middle East. I cannot believe, Mr. President, that the Senators on the other side of the aisle are united in their opposition to this effort to make clear that aid programs, if they are to be a part of our policy at all, must hold rational promise of dealing with the real problems of peace and stability in the Middle East.

I believe, Mr. President, that the adoption of the amendments which I have been discussing, when added to the excellent changes already made in committee, will make this resolution something which it is now widely presumed throughout the Nation and the world to be. It will make this resolution a better guide to the kind of action in the Middle East which holds hope of coping with the key difficulties confronting us in that area. It will make this resolution a better instrumentality for serving the interests of all the people of the United States and for the preservation of world peace.

Mr. President, I should like at this time to submit three amendments, ask that they be printed and lie on the table; and express the hope that the State Department will consider the amendments and come up with some reasons as to why they should or should not be adopted. I am certain they will give them serious consideration.

Mr. MANSFIELD. It was not necessary for the Secretary, however, to assume that the introduction of that resolution had a meaning and had a significance. You cannot, as a matter of legislative history, assume that when you put a new sentence into a resolution that it is utterly meaningless. We assume that the Congress does not do things that are utterly meaningless.

The Secretary of State is quite right when he assumes that when the Congress and the Senator from Montana as a part of it, submits amendments to a resolution he hopes that they are not utterly meaningless, even if they are not adopted.

I submitted these amendments because the Eisenhower resolution seemed to me faulty in several respects. It was placed before the world with a fanfare of publicity as a kind of possible salvation of the Middle East situation when it did not begin to get at the basic causes of the difficulties. The so-called Mansfield amendments were, in part, an attempt to direct the resolution more to the basic causes of Middle Eastern difficulties.

The Eisenhower resolution was faulty, too, in that it obscured, as did the Formosa resolution before it, the constitutional division of powers and responsibilities as between the President and Congress. It was to correct this fault, too, that a so-called Mansfield amendment was introduced. It was rejected in committee but a modified version proposed by another member, the distinguished Senator from Minnesota [Mr. HUMPHREY] was adopted by Congress. It is this amendment, I believe, which the Secretary had in mind when he referred to the so-called Mansfield amendment. I supported that amendment which had only one objective, the clarification of the constitutional question of the division of powers as between the President and the Congress. That it was urgently needed is, perhaps, best illustrated by the Secretary's remarks at his press conference on May 20.

What that amendment tried to make clear was that the President had the constitutional power, as Commander in Chief, to act in a military fashion in a situation involving the vital interests of the United States but that he could not expect Congress to be bound in advance by his action. There was no intent to enlarge the scope of the President's proposed resolution and, if there is any doubt about this, the facts can be easily ascertained by reading the transcript of the record of the discussion on the point which took place in committee.

In short, Mr. President, the sole purpose of the so-called Mansfield amendment, which was not, as adopted, a Mansfield amendment at all, was to make clear that Congress conceded the right of the President to act in the Middle East but it did not concede the Congressional right to approve or to question his judgment as to how he acted. It was not a mandate but a strengthening, a reaffirmation, and a reassertion of the constitutional authority of the President of the United States as Commander in Chief of the Armed Forces of the United States. The amendment was simply designed to bolster the President in the execution of the powers of his office, a bolstering which he apparently felt that he needed.

In short, Mr. President, it seemed to me essential that the President act as the President of the United States and not as an agent of Congress and that he be willing to assume the responsibilities for his actions, as other Presidents before him have assumed them. I thought it necessary for both the Senate and the administration to set the record straight on this matter. This statement is made in good faith—as was Secretary Dulles' statement at his press conference. Further, Mr. President, the Secretary's comments at his press conference on May 20 make it all the more essential, it seems to me, to explore a new approach to policy in the Middle East. This I now propose to attempt.

TOWARD A DURABLE PEACE—III. AN AFFIRMATIVE POLICY IN THE MIDDLE EAST

I take the time of the Senate, today, to consider another aspect of the problem of building greater stability into the international situation. This is the third time I have alluded to the subject in recent days.

In this series of addresses, I am dealing with some of the major pressure points of potential conflict in the world. I am trying to search with the Senate for ideas which may serve to relieve these pressures. In short, Mr. President, I am exploring the possibilities of an American initiative for the more durable peace which the world so deeply desires, and so deeply needs.

In my previous statement, I reviewed the realities of the situation in Europe, as I see them, and suggested measures which may help to break through the dangerous impasse to peace in that region. Today, I turn to another area of potential conflict—to the Middle East.

At this moment, Mr. President, the Middle East is not at war and not at peace. We may assume, I suppose, if we are given to wishful thinking that this situation of neither war nor peace will hold more or less indefinitely.

We cannot rest safely, however, on that assumption. The most casual reflection will tell us that it is a highly dangerous assumption since the underlying tensions of the Middle East remain virtually unchanged. It seems to me appropriate, therefore, to examine these tensions once again, to determine what, if anything, can be done to abate or control them; to replace, with something more durable, what has heretofore been a pattern of recurrent ruptures of stability.

At the outset, let me make clear that I do not subscribe to views which hold either Soviet penetration or western imperialism or both primarily responsible for the difficulties in the Middle East. If we are looking for a target in the propaganda war, then the deviltry of Soviet penetration certainly provides one. If the Russians are looking for the same, then I suppose western imperialism is not a difficult mark. And if Middle Easterners must have a scapegoat for their troubles, then, they can vent their wrath on Soviet penetration, on western imperialism, or on both simultaneously.

But if the world wishes in earnest to find a more durable peace, then we shall have to look deeper, much deeper, into the sources of Middle Eastern tensions. Certainly, the policies pursued by the Soviet Union, the western European nations and the United States at any given time, are relevant to this matter. More basic to the problem of peace, however, are the implications of the vast transition which is taking place within the Middle East. The transition and the tensions it brings have a vitality independent of the policies of nations outside the region.

Mr. President, a fundamental change involving the lives of tens of millions of people is never made with ease. Change in the Middle East is no exception. Change in the Middle East is exceptional only in its massiveness. What this change involves is an enormous effort by millions to leap over forgotten generations of political obscurity into the mainstream of international life. It involves a desperate struggle to push aside the accumulated sands of social inertia and to emerge several hundred years later into the 20th century. It involves an endeavor to rid the earth of one of its heaviest concentrations of stagnating poverty, superstition, fear, and disease, of the ugliest forms of human subjugation—and to do it virtually overnight.

The basic pressure for this desirable, this constructive change is produced by nationalism. Whatever difficulties na-

tionalism may bring, let there be no mistake, Mr. President, about its necessity. Nationalism is essential in the Middle East to produce the change essential for durable peace. To deny its validity is to deny our own history.

The difficulty in the Middle East arises not from nationalism as such. The difficulty arises from the unpredictable course which Middle Eastern nationalism may take at a highly critical moment of history, at a moment when the peace of the world balances on a razor's edge. By its very nature, this force is not easily channeled. When a whole people break out of an existing pattern of life into something new, it is not easy to calculate or control the direction of the great human surge which is released by the fission.

There was a time, perhaps, when mankind could sustain the excesses, the errors, the random scattering of the power of an explosive nationalism. That is no longer the case. In the present state of international affairs, nationalism on a rampage endangers not only those who release it; it endangers peace and, hence, the peoples of the entire world.

The needs of mankind require that nationalist leaders, today, not only lead national awakenings but that they lead them soberly and responsibly. The needs of mankind require that these leaders lead with due regard for the dangerous complexities of current international life.

In the Middle East the world skirts the edge of disaster, not because of nationalism, but because nationalism has not fully established a new pattern of constructive and peaceful progress to replace the older and no longer acceptable pattern which it has destroyed. The force of nationalism, at present, plunges headlong into western interests established many decades ago—special interests, perhaps, but interests, nevertheless, which cannot be liquidated overnight if they are to be liquidated in peace. Further, this force divides into shifting political and regional alinements, which clash one with another and, in so doing, threaten the stability of the region. It collides with or scoops into its fury ancient focals of power which have a vested interest in the preservation of the accumulated social rot of centuries. It recharges tribal feuds that go back to Biblical times. It plays with the dangerous fire of great-power balance in the naive belief that it is too clever to get burned. Too often, it pushes precious human energies into the wasting-pit of militarism, terrorism, and mobism. Too often, Mr. President, it sidesteps the one path which will lead, more quickly than any other, to full national and human equality—the path of unremitting effort to establish orderly, progressive societies with responsible governments.

These, Mr. President, are some of the less desirable spawns of nationalism in the Middle East. They are products of the nationalist fission in that area, its destructive products, and they are, in my opinion, the principal source of the region's instability. We overlook this source when we see the problems of peace in the Middle East as arising solely from Soviet machinations, as the Eisenhower doctrine in 1957 did and still does, despite clarification and modification by the Senate. The Russians overlook it, if, in fact, they see these problems as arising primarily from western imperialism. If we continue to overlook it, we shall have policies which deal primarily with shadow rather than substance—costly policies and in the end, probably futile policies.

An affirmative policy for peace, sooner or later, must look squarely at the inner difficulties of the Middle East. Before this Nation can have that kind of policy, however, we must have a better understanding of American interests in the region.

It is not difficult, Mr. President, to catalog the most significant of these interests. They are legitimate interests and we need not hide or obscure them. Certainly, we need not apologize for them.

United States companies have heavy investments in Middle Eastern petroleum development; that is an American interest. We have bases or other defense arrangements against aggression in the Middle East; that, too, is an American interest. We have trade, cultural, educational, and other ties with the Arab States and Israel; these are American interests. We have a commerce through the air and sea lanes and the petroleum pipelines of the region; these, too, are American interests. We have a stake in a stable Western Europe which, in turn, is now heavily dependent for economic stability on Middle Eastern petroleum, trade, and trade routes; that is a highly important, if indirect, American interest.

Beyond all these specific concerns, however, we have one national interest that is overriding. That is an interest in the peace of the entire Middle East. I speak, now, not of a peace at any price, of a peace of inertia, appeasement, or repression. I speak of a durable and vital peace which will provide an opportunity for essential change to take place in the Middle East, the change which will enable the peoples of that region, if they have the will, to live in a satisfying national independence in the 20th century.

On that kind of peace depends the long-run survival of all the particular interests of Americans. On that kind of peace in the Middle East may well depend the peace of all Americans and the world.

I do not know, Mr. President, whether any policies pursued by this Nation will be able to assist in producing such a peace in the Middle East. It seems to me highly unlikely that they will do so, however, if these policies are made subservient in concept or in administration to any special American interest, whether it be petroleum concessions, defense arrangements, ties with the Arab States or Israel, or any other.

Certainly, it is desirable, Mr. President, for Americans to participate in the development of Middle Eastern petroleum, if this development profits them and serves the people of that region. It is not desirable, however, for all Americans to go hat and pail in hand to any country to beg for oil. That, in effect, is what we may be doing if American policies are made subordinate to this particular American interest.

Certainly it is desirable to have bases and other defense arrangements in the Middle East if they grow out of a common concern with security against aggression. It is not desirable to have these arrangements, however, if we must grovel before any nation in order to obtain or to keep them. That, in effect, is what we may be doing if these defense arrangements are elevated into the principal objective of policy.

Certainly, it is desirable for Americans to have cultural, trade, educational, or other friendly ties with the Arab States and Israel. It is not desirable, however, if these attachments mean that all Americans must acquiesce in an aggressive hatred of Arab toward Israeli or Israeli toward Arab or Arab toward Arab. That, in effect, is what we may be asked to do if our national policy is subordinated to these specific attachments.

Finally, I may say, Mr. President, that it is certainly desirable for us to recognize the need of Western European allies and other friendly nations for access to the petroleum, the trade and trade routes of the Middle East. It is not desirable, however, to recognize this need without also recognizing that the unequal privileges of yesterday's colonialism must yield to the requirements of a constructive nationalism today.

Mr. President, that is the first step in an affirmative policy for the Middle East: to get clearly in our own minds that the national interest in a vital peace in the Middle East takes precedence over any particular American interest. Those who conceive and administer United States policy must understand that. Other nations must understand it. It is particularly important that those who play dangerously with a destructive nationalism and those who seek to repress a constructive nationalism know it.

I am afraid, however, that we shall not impress anyone by words, whether they be the soft generalities on peace or the violent terms of the propaganda war. What cannot be done by words, perhaps, can be done by acts, acts which make clear that the primary American interest in the Middle East is an interest in a vital peace and that we are determined to pursue it.

No single act in this connection is more important than to develop alternatives to Middle Eastern petroleum and to the pipelines and waterways through which it now moves. In 1956, Mr. President, a year before the Suez crisis, I urged in a speech in the Senate on April 18, 1956, that this country begin to plan in concert with oil-consuming countries against the possibility of a temporary cutoff in the flow of Middle Eastern oil. What was needed then, was an immediate increase in the supply of seagoing tankers of large tonnage; preparations which would have permitted a prompt expansion in the petroleum output of the Western Hemisphere; and a speed-up in the development of nuclear energy for power. So far as I know, however, nothing was done along these lines until

the following year, when the Suez crisis was already upon us.

I do not say, Mr. President, that the immediate availability of alternatives to Middle Eastern oil would have prevented the Suez crisis. It seems to me very possible, however, that it might have mitigated it. And it seems to me very possible now that the availability of alternatives to petroleum from that source may discourage similar crises. Certainly, is will help to meet such crises if they should come.

What is true of alternatives to petroleum is also true of alternatives to defense arrangements in the Middle East. I assume that any arrangements we now have serve the mutual benefit of ourselves and the Middle Eastern countries which participate in them. I hope that they will go on serving a common interest. By the same token, however, I hope that the Defense Department will begin now to plan to safeguard this country without these arrangements, if the price of retaining them is a servile submission to one-sided terms, to conditions which degrade this Nation.

Finally, it ought to be made clear, if it is not already clear, that this country has a deep interest in the survival and progress of Israel. This country's policies should unashamedly sustain that interest so long as the Israelis pursue their progress in peace. We can, and must, be prepared to override the particular interest, however, in the greater national interest, if Israel abandons the ways of peace.

What applies to Israel applies equally to the Arab States. I should say that the administration has already gone out of its way to make clear that this country has a deep interest in the survival and progress of these states; but, if by some chance, further assurances are necessary, then they should be given. This country's policies should sustain the interest, so long as the Arabs pursue their progress in peace. We can and we must be prepared to override the particular interest, however, in the greater national interest, if the Arab States, singly or collectively, abandon the ways of peace.

Whether we demonstrate our concern in the peaceful progress of the Arab States and Israel by public statements, by the channels of diplomacy, or by some other way, is a secondary question. The important point is that the interest be made clear to both sides, and that the word "peaceful" be emphasized for both sides.

What I have been trying to suggest, Mr. President, is that we need to inject into national policies in the Middle East, a clarity of purpose, of primary national purpose, which they do not now have. I am also suggesting that we develop alternatives to present particular American interests which will permit sufficient flexibility in the pursuit of this purpose.

I believe, Mr. President, that since World War II, we have been groping toward an affirmative policy of this kind, under both Democratic and Republican administrations. There has been an obvious official appreciation of the importance of a durable peace in that area. There has been an appreciation of the importance of nationalism in achieving that peace. There has been a desire to support its stirrings, modified by the fear of alienating the nations of Western Europe, which formerly held most of the area as colonies, protectorates, or mandates. It has been modified, too, by the fear of jeopardizing the particular interests of Americans in that region.

Despite good intentions, policy in the Middle East is now encased in a gigantic, expensive holding action. It is not directed primarily toward building a vital durable peace in that region. It is directed primarily toward preventing the inner tensions of that region from snapping.

The result has been a broadside effort to please all, which obviously pleases none. The result has been a vast decline in the prestige of this country. The result has been a growing contempt and antagonism toward Americans, despite hundreds of millions of dollars expended in various kinds of aid. The result, Mr. President, was a conduct of foreign policy bordering closely on appeasement of arrogance and submission to blackmail, until the Secretary of State put a stop to this nonsense by withdrawing the Aswan Dam proposal. Putting aside the question of the manner in which that was done, I can only endorse what was apparently his determination not to permit this country to be made a pawn in someone's balancing game.

Mr. President, I am afraid that if we go on as we have we shall not, in the end, prevent the tensions from giving way in the Middle East; in the end we shall not prevent communism or some other form of totalitarianism from sweeping through the region; in the end the particular interests of Americans may well be lost, along with the general interest of all Americans in a durable peace.

Good intentions, as I have said, have not been lacking in Middle Eastern policies during the past decade. What we have lacked is a full appreciation of the priority of the interest of the whole Nation in that kind of peace. What we have lacked, I believe, is an acute sense of discrimination as between constructive and destructive nationalism as the primary instrument for producing that kind of peace.

If there has been one great error of policy in the past decade, it has been this failure to draw a line of distinction between these two expressions of nationalism. There have been those who have advocated indiscriminate support of Arab nationalism in the Middle East. There have been some who have advocated indiscriminate support of Israeli nationalism in the Middle East. There have not been, or at least we have not heard, the voices of those who distinguish between constructive and destructive nationalism, regardless of whether it is Arab or Israeli.

That error must be rectified if we are to move toward an affirmative policy in the Middle East. There is little value in going back into the history of the past decade in a search for scapegoats for failure in the Middle East. What is vitally important to the American people is not what was done or not done in the past. What is vitally important is what is done from now on.

It seems to me Mr. President, that what we require first is a new concept of policy, a concept which puts first things first, a concept which recognizes that the interest of all the people of the United States is a vital and durable peace in the Middle East takes precedence over any particular American interest. We require, too, officials to administer this policy who are able to put aside personal interests, predilections, and bias in their pursuit of that interest. We require, further, officials who are able to draw a distinction between constructive and destructive expressions of nationalism, and to appreciate the relevance of this distinction in building a vital and durable peace in the Middle East.

I know that the distinction is a subtle one in the case of a region as complex as the Middle East. Nevertheless, I believe it can be drawn; indeed, it must be drawn. Unless is it drawn, we shall find ourselves applying such influence and resources as we have in that region impartially as between those who would destroy and those who would construct; and the one effort will cancel out the other, as, in fact, has been happening.

Such influence and resources as we can apply—if we are to apply any at all—must be channeled largely in line with those who are working to build stability and responsibility in the Middle East. If we are not to waste our strength in well-meaning, but futile gestures, this Nation must stand, not indiscriminately with Middle Eastern nationalism; rather, we must stand with its constructive expression, whether it emanates from Israel, particular Arab States, or all the Arab States.

We may well ask ourselves, is it really so difficult to determine what is constructive or destructive in the nationalism of the Middle East? It seems to me there are simple guidelines which may be applied if we wish to use them.

Certainly, a constructive nationalism will insist that the unequal privileges of a past colonialism go. It will exercise, however, in the larger interests of mankind, the patience and restraint which will permit these privileges to be liquidated in an orderly manner. When nationalism exercises that kind of patience and restraint, it deserves the support of this Nation and the rest of the world. Similarly, when Western nations manifest a willingness to liquidate their special privileges in an orderly fashion, they deserve our support against the buffetings and blows of a nationalism on a rampage.

A constructive nationalism will seek to encourage a peaceful commerce with the rest of the world on a mutually beneficial basis. It will not seek to parlay an accident of geography—whether it be petroleum beneath the ground, or whether it be the sealanes, or the airlanes, or pipelines through and over its territories—into an economic stranglehold on the peoples of the world; it will

not use a natural blessing of this kind as a lever to upset the peace of the world.

A constructive nationalism will apply the resources and the energies of its people primarily to the enormous tasks of stamping out hunger, ignorance, disease, and injustice within its borders. It will not command these resources and energies for the personal pleasures of a ruler; it will not direct them into militarism, terrorism, conspiracy, mobism, or subversion. It will not divert these energies into an unremitting campaign of all-consuming hatred—whatever its real or imagined grievances—against other peoples in the region or outside the region.

A constructive nationalism, in short, will work for the orderly progress of its own people. It will work for peace in the region and for peace in the world.

I know, Mr. President, there are few black and white results if these tests are applied to the course of nationalism in the Middle East during the past decade. All of the countries involved, in one degree or another, have manifested destructive and constructive tendencies. They will undoubtedly continue to do so in the future, in one degree or another. For the foreign policy of the United States, however, the critical questions are: How destructive? How constructive? The questions are questions of degree, and the answers can only rest on the judgment of the administration, which is charged with responsibility for carrying out foreign policy.

I would be less than frank if I did not express my view that this judgment has been faulty in the past. For too long this administration has shown a lack of discrimination toward nationalism in the Middle East. For too long it has tended to coddle destructive expression. For too long it has treated with something approaching reluctance, if not disdain, the constructive manifestations of this force in Lebanon and Israel. We have reaped consequences of this faulty judgment in the past, in the Suez seizure, in the spread of conspiracy, subversion, and terrorism throughout the region. We are reaping others now in the ordeal in Lebanon, one of the most progressive and peaceful of the Middle Eastern States. We may reap them elsewhere unless this servile tendency to flirt with a rampant nationalism is finally curbed.

I know, Mr. President, that the question of distinguishing between constructive and destructive nationalism is complicated by the persistence of the Arab-Israeli dispute. Perhaps the time has come to make clear, however, that as far as United States policy is concerned, we shall no longer permit ourselves to be stopped, by fear of a breakdown in this situation, from pursuing a constructive course in the Middle East. Perhaps the time has come to make clear that as far as the United States is concerned there is going to be no going back in this situation. Those leaders in the region who look to an eventual solution of the Arab-Israeli dispute by force, with American acquiescence, do a disservice to their own people and to all the peoples of the world. They permit a disgraceful hatred to gnaw at their vitals and, in the end, they will not solve the problem. On the contrary, unless they come to grips with it soon, not only will they destroy the promise of a constructive nationalism for their own peoples; they will destroy it for all the peoples of the Middle East.

It is time to make clear, once and for all, that United States policy cannot and will not support the fantasy of some Arab leaders of eventually pushing Israel into the sea. Equally the policy of this Nation cannot and will not support a fantasy of Israeli expansion at the expense of the Arab States. To permit the illusion to remain any longer that we may be drawn in time into the web of one dream or the other serves no useful purpose. Perhaps it may put off the reckoning from today until tomorrow. In so doing, it may even help to create an illusion of peace, but it will not contribute to a durable, vital peace in the Middle East.

What the United States can support, indeed, what we must support, is international efforts to put at rest any genuine fears of aggression, Arab of Israeli, or Israeli of Arab, or, indeed, Arab of Arab. To that end, Mr. President, it seems to me high time for this country to take an initiative for peace. It seems to me high time to propose in the United Nations the extension of the United Nations Emergency Force to the borders of any country in the Middle East which is concerned with aggression from a neighbor and which asks for that safeguard. It is time, in short, to determine who is really afraid of war and who is really afraid of peace in the Middle East.

It is time, too, Mr. President, for this country to take the initiative in the United Nations and to call again upon Israel and the Arab States to end their state of belligerency. It is time to call upon them to meet face to face, to meet as honest men, as decent human beings, and try to make at least the beginnings of a beginning on reducing the deep-seated bitterness between themselves, in their interest and in the interest of the world. If they do so meet, if they do make a beginning, then whatever we or any other nation can reasonably do to bring stability between them should be done. It is time, in short, to see who seeks peace and who is afraid of peace in the Middle East.

Mr. President, in making these suggestions, I do not prejudge any nation, any leader any position in the Middle East. I suggest only that, regardless of what has happened in the past, it is time for Middle Eastern nationalism to come of age, to recognize its responsibilities, not only to itself, but to all mankind.

By the same token, it is time for the policies of this country to come of age. It is time for these policies to cease playing the role of indulgent father to errant son. It is time to direct these policies strictly in support of those nations which work sincerely for peace, which make an unremitting effort to put the energies of nationalism into the building of peaceful, progressive, and responsible states.

When these policies are so directed, perhaps then, and only then, will we be in a position to come to grips with Soviet penetration, as it may exacerbate the danger to peace in the Middle East. Perhaps then, we shall cease to waste hundreds of millions of dollars belonging to all Americans in seeking to safeguard the interests of particular Americans, in seeking to catch up with and to extirpate the elusive spector of communism as it flits from country to country, from the Maghreb to the Hindu Kush.

For, then, Mr. President, we shall be prepared to confront Soviet words of peace with acts of peace. We shall be prepared, as we ought to be prepared, to offer in the United Nations a proposal to establish an enforcible international control over the arms traffic in the Middle East.

And we shall be prepared to join with any nation with a stake in peace to assist the constructive forces of nationism in the Middle East dealing with the ancient tyranny of starvation, disease, ignorance, and inhumanity. The world will be able to see, then, and only then, Mr. President, who talks peace and who means peace.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I congratulate the Senator from Montana on the speech he has made today and on the series of speeches which he has made on foreign policy. They will stand to the everlasting credit and fine statesmanship of the Senator from Montana.

So often, in public discussion of foreign policy, we hear the question asked, "Well, what program do you propose to rectify what you consider to be mistaken policies which are presently being followed?"

The Senator from Montana in this notable speech is outlining an approach to foreign policy which, in my judgment, will greatly improve the standing of the United States in foreign affairs, if we follow the leadership of the Senator from Montana and the proposals he has suggested.

I commend the Senator from Montana for the comments he is reported by the newspapers to have made today with respect to the position of Secretary Dulles concerning the so-called application of the Eisenhower doctrine in the Middle East.

I wish to associate myself with the remarks of the Senator from Montana, and I refer the Secretary of State to his own testimony before the Committee on Foreign Relations and the discussion in that committee, as well as to the debate on the floor of the Senate when the Eisenhower doctrine was considered by the Senate.

The discussion in the Committee on Foreign Relations and the debate in the Senate clearly placed upon the application of the Eisenhower doctrine limitations which were much more restrictive than the Secretary of State, if he is correctly reported in the press, seemed to imply.

I thank the Senator from Montana for being the first to raise this question before American public opinion.

I intend to discuss it at some length either later this week or in the early

part of next week, because in my judgment the Secretary of State would be overstepping the constitutional prerogatives of the executive branch of the Government if he should implement what he told the press he thought to be within the authorized power of the President of the United States under the Eisenhower doctrine.

I think the position the Senator from Montana has taken is legally sound, and in my judgment there is no question as to the intent of Congress in the restrictions it imposed on the Eisenhower doctrine.

Mr. MANSFIELD. I appreciate the remarks of the Senator from Oregon. I should like to invite his attention to the fact that before I made my speech on the Middle East I tried to set the record straight relative to the amendments discussed by the Secretary of State at his press conference on May 20.

Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

AUTHORIZATION TO SIGN BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate from today until Monday next, the Vice President or the President pro tempore be authorized to sign bills and joint resolutions passed by the two Houses and found truly enrolled.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE CIVIL AERONAUTICS ACT OF 1938

Mr. THURMOND. Mr. President, on behalf of myself, the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Louisiana [Mr. LONG], the Senator from Kentucky [Mr. MORTON], and the Senator from Wisconsin [Mr. PROXMIRE], I introduce, for appropriate reference, a bill to amend the Civil Aeronautics Act of 1938.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3887) to amend the Civil Aeronautics Act of 1938 with respect to the ratemaking elements for the transportation of mail by air carriers, introduced by Mr. THURMOND (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

Mr. THURMOND. Mr. President, the effect of the bill is to make the domestic trunk airline system ineligible for subsidy, either for domestic service or for service to points outside the continental limits of the United States, which are essentially integral parts of the system. It would also remove eligibility of a carrier for any route it may hereafter be awarded which precisely parallels, nonstop, a route over 50 miles in length which is operated by another carrier ineligible for subsidy on that route. The eligibilities of local service carriers and other carriers would not be changed.

Mr. President, it was never intended by the Congress or the air carriers that subsidies to trunkline carriers should be permanent. The subsidy was granted for the purpose of assisting the carriers during the period of their infancy. During the period 1939–57, total subsidies to air carriers was $779,357,000, of which approximately $190 million went to trunkline carriers. Now the time has come to emphasize the fact that the trunkline carriers have come of age. On July 1, 1957, the last trunkline carrier came off subsidy. This bill will put the American public on notice that the domestic trunk carriers are now competing on their own, without benefit of the unearned subsidies from taxpayers' dollars.

The reasons for the enactment of the proposed legislation, however, are not economic alone. The passage of this bill would lead to decisions more in harmony with the public interest, and to route assignment cases which are decided more on the basis of facts and less on the basis of pressure.

Although the Civil Aeronautics Act provides that certificates for new routes are to be granted by the Board on the basis of public convenience and necessity, there is doubt that the law is always administered in this way. The doubt, moreover, is often greater in the more important cases, for the rewards which are at stake in those cases are so much greater. In some respects the rewards are even greater than those represented by TV channels, and the recent hearings of the House Subcommittee on Legislative Oversight have shown the intense behind-the-scenes pressures which have been applied to the Federal Communications Commission in attempts to influence decisions.

The potentially greater value of an airline route, compared to a TV channel, lies in the subsidy available to the former. Under the Civil Aeronautics Act, once a carrier is certificated for carriage of mail, the Board fixes its rate of pay for carrying the mail at a sufficiently high level to give the carrier what it needs to enable it to serve the needs of commerce, the postal service, and the national defense. The Board has generally held this to mean enough money to make up any losses, and, in addition, to pay the carrier a profit—usually calculated as a return on investment of about 8 percent.

Thus, once a carrier gets a route, it is pretty well assured of a profit on it—or at least of breaking even. This is after all operating expenses, including, of course, salaries of top officers. The most dramatic single piece of evidence in point is that no one has ever heard of a certificated airline becoming bankrupt.

It is thus clear that it is to the interest of the airline managements merely to be in the business, which is almost riskless so far as their own personal security is concerned. Once in the business, it is to the airline managements' interest to build up the size of their route structure; because by so doing they acquire a greater number of local pressure groups throughout the country who will, often uncritically, support the company's aspirations. The more there are of such local interests, the more difficult it becomes for the Civil Aeronautics Board to develop a route structure which is sound and is best designed to serve the national interest. It is also in the interest of the airline managements to have a large, rather than a small, company, first, because subsidy claims in bad times will be larger. Secondly, insofar as they include a claim for operating profit, that profit will presumably be a larger dollar figure than in the case of a smaller company, since the percentage will be computed on a larger dollar base.

If subsidy is available to a carrier (certificated for the carriage of mail) over any route obtained by Civil Aeronautics Board assignment, there is no business risk faced by a carrier in its route applications. Although there is no absolute guaranty that the Board would grant subsidy, it is almost certain that it would—particularly if the alternative were bankruptcy or wholesale suspension of service to many small points.

Under the proposed legislation, the carriers would merely have to shoulder the normal business responsibility of taking calculated risks in their route applications. They would be forced to make a hard factual analysis of whether they could operate the route profitably. Obviously if they were sure they could not, there would be no application for the route, and no pressures on the Board to grant it.

Mr. President, I hope the committee will commence hearings on this bill at the earliest time possible.

Mr. MORTON. Mr. President, I am very happy to join the Senator from South Carolina [Mr. THURMOND] in sponsoring a bill which would make our domestic trunk airlines ineligible for any further subsidies for their domestic routes.

The domestic trunk lines have received almost $200 million in subsidy for domestic operations since the passage of the Civil Aeronautics Act in 1938. The subsidies may well have been necessary at the time the act was passed. But that is no longer true. They were intended to help the airlines get started, but they were never intended to underwrite them indefinitely.

In line with this, the President in his budget message for the fiscal year 1959 stated that we should do all we can to reduce and ultimately eliminate all airline subsidies. This legislation is an important step toward accomplishing that objective.

Because of subsidies still necessary in the international field, and for local

service and helicopter operations, it is not yet feasible to eliminate all airline subsidies. Consequently, we must take one thing at a time, and this legislation would prevent the recurrence of subsidies in an area where none are needed. The domestic operations of all 12 domestic trunk lines have been free of subsidy since last June. Nine of these carriers have been off subsidy for the last 6 years or longer. The year by year increase in the total amount of subsidy for local service and helicopter operations, which unlike the trunkline operations, would not exist except for those subsidies, provides all the more reason for making sure that subsidies cannot be paid where they are not necessary.

Subsidies can be justified only when necessary goods or services would not exist at all without the subsidy, or, although such goods or services would be available without subsidy, we feel that much greater amounts of them are desirable and we are, therefore, willing to subsidize additional production.

Neither of these conditions exist in domestic trunk air transportation today. There are three or more carriers competing directly on most major routes. Most of these carriers have had no subsidy for years. It is, therefore, clear that we do not have to provide subsidy in order to provide competition.

Nor is subsidy desirable in the interest of providing a greater amount of competition than we already have. The benefits to the public that flow from putting a fourth or fifth carrier on a route are conjectural at best, and certainly not great enough to justify subsidizing that additional carrier.

The Civil Aeronautics Board has, in fact, been indicating for many years its disapproval of new route grants which would lead to subsidy. One of the major route grants to a small carrier in the past 2 years was premised to a great extent on the belief that this route would free the carrier from subsidy. Shortly after the route was granted the Board indicated its intent to terminate the subsidy to that carrier, and did in fact so terminate it.

The problem, however, is to make absolutely certain that subsidy cannot be paid hereafter for domestic trunk air transportation. The only way to do this is by legislation, because we all know perfectly well that any applicant for a route can always make out some sort of case, and the complexity of the Government, and the growing complexity of aviation, are such that even a well staffed Federal agency cannot be expected to analyze all these cases with sufficient thoroughness so that a high percentage of the decisions will subsequently prove to have been sound. Thus, with the best will in the world, the Civil Aeronautics Board can grant routes expecting no subsidy to result, yet large subsidies could follow. This is apparent from the sizable subsidy application filed last year by one trunk carrier, and the subsidy requests in the all cargo industry which are being made in spite of frequent disavowals in past years of any intention on the part of those carriers to claim subsidy.

I think that if we do not take this step now we are risking tens of millions of dollars of subsidy payments in the future, and I repeat that if those payments actually develop they will be to underwrite duplicatory and fundamentally uneconomic and unnecessary services.

All my colleagues are conversant with the plight of the railroads today. Their grave problems are in part the long-term legacy of laying hundreds of miles of track in the 19th century, not to serve the public, but to sell stock. In the airline field, granting routes which turn out not to be needed by the public, and then subsidizing them, throws on the Federal Government the same losses and penalties for bad business judgment as have been suffered many times in the past by the stockholders of the railroads.

This in turn is one of the reasons why many of us have fought hard in recent years to get the Government out of private business, and obviously this legislation would conform generally to that approach. It would also reflect the reservations which some of us have as to the ability of administrative agencies, in the long run, to provide as sound and logical a development for an industry, and for the public which it serves, as would be provided by the industry operating essentially on its own and under a minimum of regulation. This is not to suggest that regulation is undesirable. In some instances it is necessary. But there are certain weaknesses inherent in the administrative process which have caused some to feel that where regulation can be minimized the public interest will eventually be better served. The legislation I am cosponsoring would remove from the regulatory sphere a complex and time-consuming matter which has been subject to much misunderstanding, misinterpretation, abuse, and criticism, and which is no longer a necessary part of the law.

In so doing, this legislation actually just reduces to concrete terms a clause which has been in the Civil Aeronautics Act since it was passed in 1938. Section 406 (b) of the act states that the Board is to pay subsidy to carriers if they need it and if they have "honest, economical, and efficient management." Thus it is apparent that Congress intended in 1938 to premise subsidy eligibility on highly efficient management performance. The Government, of course, has a right to expect no less than that for its money. But it is asking a great deal of any Government agency to determine from the outside whether a company is or is not efficient, and it is asking almost the impossible to expect the agency so to characterize a company publicly. This is evidenced by the fact that, so far as I know, the Civil Aeronautics Board has not once in the 20 years since the act was passed categorically labeled a carrier as inefficient. Now that the domestic industry has attained enough maturity and stability so that it is fair to test its efficiency by the normal business standard of profit and loss, I think it behooves us to discard the earlier generalized test with its inherent susceptibility to abuse.

I think this legislation would be good for the airlines themselves. The company that stands on its own two feet will be a stronger company. Over a period of time subsidy can have a deadening effect on an industry. There is all the difference in the world between a management which knows that it can be bailed out of its mistakes by subsidy, and one which knows that it is subject to the normal business risks. Subsidy was intended to help the airlines get started, and its termination now would be intended to help them be the best operators, during the maturity of their business existence, that they can possibly be.

I believe all 12 of the domestic trunklines have at one time or another reiterated their desire to operate without subsidy. They are all mature companies now, and they are all sizable ones as judged both by their routes and their annual revenues. It is time for them to match their actions to their words.

Mr. THURMOND. Mr. President, I am pleased to have the distinguished Senator from Kentucky join me as a coauthor of the bill, and I wish to thank him for his fine statement.

Mr. MORTON. I am happy to join with the Senator. I wish to support him in his request that the bill be given a hearing at this session of Congress.

RACIAL SEPARATION CUSTOMS IN THE SOUTH AND ANTI-AMERICAN FEELINGS OVERSEAS

Mr. THURMOND. Mr. President, a former Member of this body, speaking in Washington, D. C., on May 18 before a convention of the leftwing organization known as Americans for Democratic Action, has made a statement in regard to which I feel impelled to comment.

Former Senator Herbert Lehman of New York is quoted in the Washington Star as having declared that "we are losing the battle of Asia, Africa, and Latin America in Little Rock, Charleston, and Richmond."

This is the same old fallacious argument that racial separation customs in the South have inspired anti-American feelings overseas.

It is quite true that there has been an increase in anti-American sentiment in many foreign countries, but the cause of this has not been the southern policy of separate racial development, the time-tested policy which is the bulwark of good race relations.

Rather, the cause of this anti-American feeling has been the intensive drive by certain parties, pursuing their own highly questionable aims, to break down the tested southern pattern, by forcibly mixing the races in the public schools and elsewhere, and thus inevitably creating racial tension and sometimes racial violence.

Furthermore, these politicians have not hesitated to sacrifice America's foreign relations to their own political ends. They pretend that their primary concern is with our foreign relations, when actually they are mainly interested in bringing about racial integration. They are not even attempting to

take a constructive approach toward race relations as a means of improving our foreign relations. They are using our foreign relations as a weapon to bring about racial integration in this country.

As the late Herbert Ravenel Sass recently pointed out in the Atlantic Monthly:

> We have permitted the subject of race relations in the United States to be used not as it should be used, as a weapon for America, but as a weapon for the narrow designs of the new aggressive Negro leadership in the United States. It cannot be so used without damage to this country, and that damage is beyond computation. Instead of winning for America the plaudits and trust of the colored peoples of Asia and Africa in recognition of what we have done for our colored people, our pro-Negro propagandists have seen to it that the United States appears as an international Simon Legree—or rather a Dr. Jekyll and Mr. Hyde with the South in the villainous role.

In effect, these integration zealots are blackmailing the United States. They warn that our foreign relations will suffer if there is any resistance to their program of forced integration. Then they make quite certain that this will be the result, by giving the greatest possible and most highly distorted news coverage to any incidents that might occur, and by directing a constant barrage of antisouthern propaganda to overseas countries.

Instead of playing up the benefits enjoyed by the Negro race in the United States—far greater than those enjoyed by Negroes in any African country—the antisouthern propagandists have ground out horror stories to fan the flames of the integration crusade.

While this crude attempt to use the threat of bad foreign relations as a club to force the South to integrate has failed in its primary purpose, it has caused grave damage to United States relations with certain foreign countries.

There is mounting evidence that the racial issues stirred up for domestic political purposes are being turned against American interests abroad. The antisouthern propaganda, which has been circulated abroad by South-hating American politicians, has turned out to be anti-American propaganda as well. Reporting on this situation, an American correspondent in France recently commented as follows:

> At the moment when violent trouble broke out at Little Rock, the propaganda circulated by services under the control of the administration but paid for by American taxpayers, was bitterly and aggressively partial. Such considerations as American national interests and the influence of the United States in Western Europe were ruthlessly swept aside for the sake of proclaiming to the world the purity and righteousness of the administration. This policy did lasting harm to America as a whole.
>
> Here, the detestable anti-American agitation disseminated from America itself has continued to poison public opinion.
>
> There is much talk today among Americans themselves about the wave of hatred against them being propagated notably in France. How many stop to reflect upon the responsibility of the original Little Rock propagandists?

I might mention, Mr. President, that I was in Europe myself at the time of the Little Rock incident, and I was very much disturbed at the slant which was taken by the American newspapers on sale there, in their headlines and news stories as well as in their editorials. I was also very much upset at the tack which the United States Information Agency took in regard to this matter.

Now that we have placed the blame for the deterioration of America's foreign relations where it belongs, on the integration propagandists; now that we have exposed the fallacy of Senator Lehman's main underlying implication that it is the South's policy of racial separation which is responsible for anti-American feelings abroad, I should like to address myself to a more specific implication in the former Senator's remarks.

He speaks of this battle of Asia, Africa, and Latin America as being lost in Little Rock, Charleston, and Richmond. Admittedly, Charleston and Richmond are two of the most notable cities on this continent, and two of the most significant cities in all the annals of American history. But I should like to know just what it is that has occurred in Charleston, or in Richmond, in recent years, that the distinguished former Senator thinks has caused the attention of the colored peoples of Asia and Africa to be riveted on those two cities? By classifying them together with Little Rock, is he implying that Charleston and Richmond are focal centers of interracial violence?

True, there was interracial violence at Little Rock, though the major violence that occurred there was committed by United States Army soldiers against white southerners and by the President of the United States against a sovereign State and against the Constitution.

But what interracial violence has occurred in Charleston? If there has been any, during this century at least, I should like to hear of it. And when has there been any interracial violence in Richmond? I have not heard of any. It must exist only in the imagination of the distinguished former Senator. Perhaps he has been having nightmares about the wave of racial violence which is occurring in his own backyard and has, in his dreams, wishfully transported the locale of these disorders southward.

Certainly the depicting of the South, instead of the North, as the home of racial violence, bears no relation to reality. A distinguished Richmond editor has recently speculated, and I think correctly, that "there are more incidents of interracial violence on any Saturday night in Brooklyn than the whole of Virginia would experience in a year."

Yes, indeed, Mr. President, if former Senator Lehman is truly concerned over the effect that race tension and race violence in this country may have on our relations with foreign nations, he would do well to stop searching for interracial disorders in peaceful southern cities, such as Richmond and Charleston, and turn his attention instead to the violence-ridden cities of his own State, which has one of the worst records in race relations of any State in the Union.

We all remember the horrible race riot of 2 years ago that broke out on a lake steamer out of Buffalo. And we have before us now the sordid spectacle that is going on in former Senator Lehman's own New York City, especially in Brooklyn: The bloody interracial warfare engaged in by roving gangs of delinquents of different races; the interracial stabbings that occur almost daily; the interracial rapes; the total breakdown of discipline in the integrated school system; the assigning of policemen to patrol the schools to protect the pupils and teachers; and the necessity of setting up special schools to handle the more outrageous and more consistent perpetrators of interracial violence.

No, Mr. President, it is not in the peaceful and racially separate schools of Richmond and Charleston that students stab one another in the corridors, that teachers are assaulted by students, that 13-year-old girls are raped under the basement stairs by pupils. It is in the integrated school system of New York City that these things occur.

Mr. President, I know that former Senator Lehman was sincere when he made his remarks about these southern cities. I know that he is genuinely concerned about the effects of events in these cities on our foreign relations. I know, in short, that his crocodile tears are real. I am sure, then, that it will bring a flush of shame to his cheeks and a pang of regret to his heart when he stops to realize that, instead of criticizing the South for political purposes, he could have addressed his great talents to the fearful situation which exists in the crime-ridden integrated schools of New York, a situation which brings glee to our enemies and disgust to our friends abroad.

THE SUPREME COURT—ADDRESS BY R. CARTER PITTMAN

Mr. JENNER. Mr. President, on Wednesday evening, May 21, 1958, the Demosthenian Literary Society of the University of Georgia had the privilege, at its annual banquet, of listening to an extremely able address by Mr. R. Carter Pittman, of Dalton, Ga., one of the outstanding constitutional lawyers of this country.

Mr. Pittman's address dealt with a number of recent decisions of the Supreme Court of the United States and their effect. What he said was extremely pertinent to one of the questions pending before this body, the bill S. 2646, reported favorably by the Committee on the Judiciary on May 15, 1958, and now pending on the Senate Calendar.

Because of its pertinency, Mr. President, I believe many of my colleagues will wish to read the text of Mr. Pittman's address; accordingly, I ask unanimous consent that the full text of this address may be printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SUPREME COURT MUST BE PURGED

The place of the judiciary in government is a subject of extraordinary interest at this time. It commands thoughtful and imme-

diate consideration by all people who love freedom and want to keep it.

The framers of the Federal Constitution drew heavily on American, English, and world history when they came to frame the judiciary provisions of the Constitution in 1787. Article III of the Federal Constitution vests all of the judicial power of the United States in courts whose judges must be emancipated from the fear of loss of tenure or pay except for misbehavior, in the hope that such judges, amenable to none except to the people by impeachment, would obey their oaths to support a Constitution which assures their tenure and pay, and thus preserve for all time that freedom for all which is protected by the document that protects their tenure and purses.

In one of his orations Cicero said:

"To be ignorant of what happened before you were born is to be ever a child."

Samuel Gardner, historian of the Puritan Revolution, put it this way:

"A nation which easily casts itself loose from the traditions of the past loses steadiness of purpose, and ultimately wearied by excitement, falls into the arms of despotism."

In his Spirit of Laws Montesquieu said:

"The deterioration of a government begins with the decay of the principles on which it was founded."

A patriotic, learned, upright and Godfearing judiciary, emancipated from control, except by the people, is the pride of creation and the finest flower of history. A judiciary composed of servile, incompetent, and godless judges has always been the foul and effective tool of tyrants. The history books describe no characters of more infamy than the Jeffries and the Scroogs.

After James I, founded of the dynasty of infamous English tyrants known as the Stuart Kings, came to the throne in 1603, he made this significant statement:

"While I have the power of making judges and bishops, I will make that to be law and gospel which best pleases me."

The robes of the judiciary have, in all ages, lent an aura of respectability to the endeavors of designing men to assume and to exercise arbitrary power over the lives, liberties and properties of people. As Lord Camden said in the case of *Hindson* v. *Kersey* in 1780: "The discretion of a judge is the law of tyrants."

In 1942, Hitler said:

"Judges who do not recognize the needs of the hour will be removed from office."

So they were—and replaced by corrupt and servile tools of his tyranny.

In 1948, Vishinsky said:

"Law is an instrument of politics * * *. There are libraries full of books trying to prove the contrary, but it is known to be a legal fiction."

Indeed the contrary is a "legal fiction" in Russia.

In an address by E. Blythe Stason, dean of the University of Michigan Law School, before the Chicago Bar Association, published in the February 1958 issue of the Journal of the American Judicature Society, he emphasized that in Russia courts and judges are mere agencies of administration. He quoted from a leading textbook on the Soviet judiciary: "The judge of the Soviet courts * * * carry out unswervingly the policy of a totalitarian dictatorship as expressed in the statutes of the Soviet state."

Dean Stason continued:

"Legal training is not necessary to attain a position on the bench in the U. S. S. R. Indeed, the level of even the general education of the Soviet judge is rather low. As late as 1947, a report from a convention of Soviet jurists stated that only 14.6 percent of the judges have legal education on the university level, and only 21.8 percent have received legal training in secondary schools. Thus, it would appear that about 64 percent of Soviet judges * * * lack any legal training whatsoever."

The dean stated further:

"The ministers of justice and the heads of the regional bureaus of justice are * * * authorized to impose disciplinary penalties upon judges for violation of 'labor discipline,' or to recommend the dismissal of judges to the local Soviets. Under such conditions the judge becomes more or less a pawn in the hands of a political administration. The desire for a bench made up of persons of independence and ability seems not to have penetrated the steppes of the Union of Soviet Socialist Republics."

Communism may be safely and easily instituted where a congenial judicial climate exists. Communism cannot be instituted nor can it live in any country where all laws are made with the consent of the people, by representatives who may be defeated at the next election, and where learned, godly, and honorable judges, independent of all except the people, interpret the law.

The people consent to laws in two ways only: Either laws grow out of the immemorial customs of the people or they are made by the people themselves through representatives elected to assemblies for that purpose. James I and every other despotic English king, as well as Hitler, Mussolini, Stalin—and Roosevelt and Eisenhower, too—learned from history that government according to the will of rulers cannot be instituted or maintained where judges are selected by reason of their virtue and learning in law, in the science of government, in history, and in the fundamental principles of freedom and where they are emancipated from all controls except control by the people.

The indexes to legal periodicals in America have carried my name frequently during the last 10 years in connection with articles based on original research, in defense of the Federal judiciary and its constitutional powers. The subject has engaged my interest deeply because the judiciary is the key to liberty under law as it is the key to despotism. Hence what is here said is not said lightly.

The condition of the Federal judiciary in America is fast approaching that which exists in Russia. For example, who can explain with reason the appointment of Earl Warren as Chief Justice? President Eisenhower is said to have tried and failed. What was there in the background, legal training, or character of Warren to cause President Eisenhower to pass over every good lawyer and every good judge in America to elevate him above all of them to the highest judicial position in the world?

In all literature no clearer description of Earl Warren may be found than that spoken of a bureaucrat on the floor of the United States Senate in 1825 by John Randolph, of Roanoke:

"His mind is like the Susquehanna flats—naturally poor and made less fertile by cultivation. Never has ability so far below mediocrity been so richly rewarded since Caligula's horse was made consul."

The legal experience of Earl Warren, with that of two other members of the Supreme Court, does not add up to enough to make one of the three eligible to become a superior court judge under the constitutions of many American States.

In volume 1, page 49, of his history, Tacitus seemed to describe such a ruler as would innocently name such a man to such a post:

"He seemed greater than a private citizen while he was one, and by the consent of all would have been considered capable of government, if he had not governed."

In recent hearings before the Internal Security Subcommittee of the Judiciary Committee of the United States Senate it was brought out that all except two of the present Supreme Court judges have habitually and consistently held against actions of lower tribunals calculated to preserve our internal security as a nation and our safety as a people. Seven of the nine have consistently and habitually voted in favor of Communists and Communist causes. Part II of the hearings on Senate bill 2646 lists numerous cases in which the issue was clear cut between that which was American and anticommunistic and that which was un-American and communistic. It carries a tabulation of the votes of the present judges in 10 cases. To those cases 10 additional have been added, making 20 for a new tabulation. All of those 20 cases appear in bound volumes 76 and 77 of the Supreme Court Reporter, and the unbound advance sheets, later to be volume 78. The oldest of the 20 cases considered is not more than 2 years. Here is the rollcall of judges in the 20 recent cases involving Communists and the internal security of our country.

	For Communists and against America	For America and against Communists
Warren	20	0
Black	20	0
Douglas	20	0
Brennan	15	0
Frankfurter	19	1
Harlan	18	2
Whittaker	9	1
Burton	9	7
Clark	4	15

We describe these 20 cases briefly.

(1) In the *Nelson* case (decided April 2, 1956) the Court held that the American States, which created the Federal Government and whose republican forms of government are guaranteed by the Federal Constitution, may no longer exercise the right of self-defense against communistic traitors seeking to undermine and destroy our free State governments. The Benedict Arnolds, Alger Hisses, and American Quislings are now the wards of Warren and his Court.

(2) In the *Slochower* case (decided April 9, 1956) States and municipalities were denied the power to discharge communistic teachers who refused to admit or deny their disloyalty. Those who shape the minds of our children may not be discharged for silence in a matter or charge involving simple integrity and as to which any honorable man would welcome a chance to speak.

(3) In the *Communist Party* case (decided April 30, 1956) the Court held that a finding by the Subversive Activities Control Board, affirmed by the Circuit Court of Appeals for the District of Columbia, to the effect that the Communist Party of the United States was a "Communist-action organization" within the meaning of the Federal law, was a finding based on "tainted evidence" where it appeared that one or more of the witnesses might possibly have sworn falsely, even though there was ample evidence independent of such witness or witnesses to demand the conclusion. With becoming modesty, the Court said:

"Fastidious regard for the honor of the administration of justice requires the Court to make certain that the doing of justice [to Communists] be made so manifest that only irrational or perverse claims of its disregard can be asserted."

(4) In the Cole case (decided June 11, 1956) the Court denied to the Federal Government the power to discharge self-confessed Communist employees unless they hold "sensitive positions"—a phrase no one can define.

(5) In the Ben Gold case (decided January 28, 1957) the Court reversed the conviction of a Communist perjurer who had falsely denied under oath that he was a member or supporter of the Communist Party, because the FBI had made inquiries

of some of the individuals who were jurors in that case as to their qualifications to try an entirely different and unrelated case involving another Communist.

(6) In the Witkovich case (decided April 29, 1957) the Court denied to the Federal Government the right to question an alien, ordered to be deported, as to whether or not he had attended Communist meetings while awaiting deportation.

(7) In the Konigsberg case (decided May 6, 1957) the Court held that a State may not deny a license to an applicant to practice law who refuses to deny membership in the Communist Party.

(8) In the Schware case (decided May 6, 1957) the Court held that a State may not raise or enforce effective barriers to deny to Communists admission to the practice of law in the courts of the States, and that to be a Communist is not a stigma.

(9) In the Antonia Senter case (decided May 20, 1957) the Court enlarged its holding in the Witkovich case and rendered ineffective the laws carefully drafted by Congress to protect our country from alien subversives. The Court ruled that the Attorney General had no authority to require an alien, who slipped into this country without right and who was awaiting deportation, to desist from further Communist activities.

(10) In the Jencks case (decided June 3, 1957) the Court held that the Federal Government may not withhold from Communists, on trial for their treasonable perfidy, secret information gathered by investigators for the Government, so that American patriots are effectively prevented now from going to the aid of their country and informing against traitors, for fear of retaliation by Communist conspirators.

(11) In the Yates case (decided June 17, 1957) commonly known as the 14 California Communists case, the Court held that the teaching and advocacy of the violent overthrow of the Government of the United States, even with evil intent was not punishable under the Smith Act if it was divorced from any effort to instigate action to that end. In other words, Communist traitors were rendered immune from Federal prosecution unless such traitors are caught in the act such as lighting a fuse. Under that decision Benedict Arnold would have gone free during the American Revolution because the only evidence against him was just a plan divorced from any effort, found in the boot of André, a British captain. If Alger Hiss were to be tried again, presumably the stolen secrets in pumpkins would not count. Under that decision, thrusting a dagger into the back of one's country doesn't count unless it goes through the heart.

(12) In the Service case (decided June 17, 1957) the Court denied to the Secretary of State the absolute discretion given to him by law to fire any employee in the interest of the United States. Sexual queers and Communist traitors may now work like maggots among the secrets in our State Department without fear of losing their jobs. In that particular case the FBI had a recording of a secret conversation between Service and the editor of a communistic magazine, made in the latter's hotel room. The defendant may yet be heard from that recording whispering about certain military plans of which he knew and which were "very secret."

(13) In the Watkins case (decided June 17, 1957) the Court held that the Un-American Activities Committee of the House of Representatives was powerless to pursue simple inquiries that have been found essential to the existence of every free government in the history of the world. There the Court held that a witness who admitted "I frankly cooperated with the Communist Party" should not be required to name his associates. Six members of the Court confessed their inability to distinguish between that which is American and that which is un-American and ridiculed the idea that communism may be un-American. The Court violated or disregarded two plain and unambiguous provisions of the Constitution in its zeal to curb the constitutional powers of the House of Representatives.

(14) In the Sweezy case (decided June 17, 1957) the Court denied to the State of New Hampshire the right to question one of its university professors as to his advocacy of Marxism or his belief in communism, although the Constitution clearly leaves such matters exclusively to the States.

(15) In the Raley, Stern and Brown case (decided June 24, 1957) the Court denied to the State of Ohio the right and power to require one of its citizens to answer questions about Communist activities, asked of him by the Ohio Un-American Activities Commission, as authorized by the valid laws of Ohio and as to which the Supreme Court had no concern or jurisdiction.

(16) In the Flaxer case (decided June 24, 1957) the Court set aside the contempt conviction of a Communist who refused to produce records of his Communist activities, subpenaed by the Internal Security Subcommittee of the United States Senate, even though the Constitution plainly says that each House of Congress shall make its own rules and in spite of the fact the fifth amendment, by its words and history, has no application to any proceeding except in a criminal case in a judicial proceeding.

(17) In the Sacher case (decided June 24, 1957) the Court reversed the contempt conviction of an attorney at law who refused to tell the Senate Internal Security Subcommittee whether he was, or ever had been, a Communist. There again the Court usurped rulemaking power from the Senate and violated the Constitution.

(18) In the Rowoldt case (decided December 9, 1957) the Court canceled the deportation order of an alien Communist who entered the United States in 1914 and who admitted that he had been a member of the Communist Party and a worker in Communist causes such as a salesman of Communist literature during many of those years. The Court held that before an act of Congress designed to protect this country against Communist subversives could be applied against such an alien, it must be made to appear affirmatively that activity in the Communist Party was a meaningful association with political implications and that the alien committed himself to the Communist Party in consciousness that he was joining an organization * * * which operates as a distinct and active political organization. Who ever heard of such a rule as that? Who ever heard of anyone so ignorant as not to know the answer to such a fool question, without any proof whatever?

(19) In the Heikkinen case (decided January 6, 1958) the Supreme Court reviewed and reversed the conviction of an alien who was conclusively shown to have been a member of the Communist Party from 1923 to 1930, 1932, 1947, and 1948, and who had gone to a Communist school in Russia between 1932 and 1935 to learn the newest techniques for destroying free government in America. This Communist traitor was convicted in a Federal District Court of Wisconsin and his conviction was upheld by the Seventh Circuit Court of Appeals under the Immigration Act of 1917 which made it unlawful for an alien to willfully fail or refuse to leave the United States within 6 months on order of deportation, or to willfully fail or refuse to make application for travel or other documents necessary for departure, or who seeks to hamper his own deportation, or who willfully fails or refuses to present himself for deportation at a time when ordered to do so. The reason given by the Court for keeping that man in America was that the Government did not show the willingness of any country to receive him. Under that ruling Communists may not be deported to Russia if Russia will not receive them. Even a sociological judge should know that Russia will never accept one of its deported agents so long as that agent has a license from the Supreme Court of the United States, such as was given in the Witkovich case and the Senter case, to roam at large and ply his treasonable trade in the country it seeks to destroy.

(20) In the Harmon and Abramowitz cases (decided as companion cases on March 3, 1958) the Court required Wilber Brucker, Secretary of the Army, to cancel what is known as a general discharge under honorable conditions, for Harmon and Abramowitz and give to them an unqualified honorable discharge, which is the kind received by every honorable soldier that has ever tendered his life or spilled his blood at the altar of American freedom. The reason Harmon and Abramowitz were given qualified discharges was because of Communist activities on their part. Those traitorous soldiers did not contest the ruling that their retention in the Army was inconsistent with national security. What they contended and what the Supreme Court held was that to be and to play the part of a Communist traitor in the United States Army is Honorable—with a capital "H."

Eighteen of the cases listed above were cases in which the Supreme Court reversed the rulings of lower Federal courts or the highest courts of sovereign States. Only two were cases in which lower courts were affirmed and in each of those cases the lower courts would certainly have held otherwise, except for previous decisions of the Supreme Court which were thought to be controlling.

No fair person can read those 20 cases without suspecting that there are at least 5 members of the Court who have a fellow feeling for Communists. What else can explain why they exhibit evidence of personal insult and wounded feelings when a Communist is assailed? Why they should be so solicitous about the welfare and safety of Communists is a question for determination by those in the Congress who have the duty and power to investigate.

On February 22, 1957, the General Assembly of Georgia adopted a resolution requesting that impeachment proceedings be instituted against 6 members of the Supreme Court by reason of high crimes, misdemeanors, and misconduct, as set forth in that resolution. There was a hue and cry by some who never read the resolution. Fellow travelers and the ill-informed tried to laugh it off—and everyone was ill-informed who depended on the newspapers for information.

The Georgia impeachment resolution cited and analyzed 18 cases in which it was alleged that 6 members of the Court had been guilty of such high crimes and misdemeanors as to demand impeachment. Only 2 of those 18 cases are listed above. They are the Nelson case and the Slochower case. A new resolution should list at least 40 recent cases involving Communists that convict certain Supreme Court Judges of such misdemeanors as demands their removal from the bench, in the interest of the internal security of the United States, if for no other.

After referring to some of the cases analyzed above, one of the witnesses before the Internal Security Subcommittee of the Senate, a few weeks ago, an outstanding student of the Constitution and lawyer of Pennsylvania, said:

"Can the logical and orderly sequence of these cases be but an accident? There are not a few * * * who suspect one member of the United States Supreme Court as being under Communist discipline, and another as being subject to their blackmail, and another as knowingly following their desires out of political ambitions and another as being sympathetic with communism because of his associations with so many of them as personal friends, and including members of his family, and a fifth as being motivated by a resentment of a religious nature."

The late H. L. Mencken pointed in the same direction in his secret notebook, published recently under the title, "Minority Report." On page 172, he said:

"Probably the worst thing that has happened in America in my time is the decay of confidence in the courts. No one can be sure any more that in a given case they will uphold the plainest mandate of the Constitution. On the contrary, everyone begins to be more or less convinced in advance that they won't. Judges are chosen not because they know the Constitution and are in favor of it, but precisely because they appear to be against it."

If it had not been made to appear that some of the men named to the Court were violently against the Constitution, as Mencken said, it is unlikely that they would have been appointed. Not one man on the Court had, before his appointment, ever uttered a word or written a sentence that was ever published, so far as we can find, evidencing that he had studied the Constitution, understood it, and was in favor of it.

If there is any man living today who should know something about the Communist conspiracy, that man should be John Edgar Hoover, Director of the Federal Bureau of Investigation. At the national convention of the American Legion in 1957, he alluded to some of the decisions of the Supreme Court which give aid and comfort to the Communist enemy, saying:

"We face a regenerated domestic branch of the international conspiracy, making plans to exploit recent Court decisions and highly optimistic for the future."

Commenting on some of those decisions George Sokolsky, the noted newspaper columnist, and a Russian himself, who learned about communism at its source, said:

"When, in a court, the United States is consistently the loser, the subject requires very profound consideration. Maybe the United States needs an American Supreme Court."

After the decisions of May 17, 1957, which deprived our Government of the essential means for defending itself against traitors, Congressman Howard W. Smith, author of the Smith Act, said:

"I am not surprised. I do not recall any case decided by the present Court that the Communists have lost."

At about the same time the New York Daily News said:

"In decision after decision, the Warren Supreme Court has befriended the Communists and their Kremlin masters, and has weakened the defenses of the American people against this enemy."

Those quotations, with many others of like tenor, may be found on pages 290 and 291 of part II of the published hearings referred to above.

Shortly after the decisions of May 17, 1957, Miss Stephanie Horvath, an undercover detective of the New York City Police Department, testified before the Internal Security Subcommittee of the Senate. Her testimony may be found on page 4571 of part 79 of the subcommittee hearings. She testified that she attended a Communist meeting in New York City, held at Carnegie Hall on July 24, 1957, and that she made stenographic notes of the speeches made there.

She quoted John Gates, editor of the Daily Worker as saying:

"I am proud of the modest but very important part that the Daily Worker played in helping to bring about this victory."

John T. McManus, the brazen editor of the pro-Communist National Guardian and long known for his Communist associations, was heard to say:

"It is, in my opinion, no accident that the Warren Court—and Warren is no accident either—had the courage and determination to right the wrongs of the Vinson Court. * * * I think we must look back also over the behavior of some of the Federal judiciary, and set aside a special niche for Justices Black and Douglas."

When one of the leaders in the movement to substitute a government of flesh for a government of law boasts that "Warren is no accident" and is in their hands, and when Warren acts like he is no accident and is in their hands, it is time for the representatives of the people to start asking a few questions of those who should know the answers. It is time also for the people to replace those Members of the Congress who are afraid to ask questions.

In a series of lectures at Harvard University published only a few weeks ago, Judge Learned Hand, of New York, pointed out many instances in which the present Supreme Court has leaped the bounds of the Constitution to roam at large, tinkering here, experimenting there, and destroying landmarks everywhere. Commenting on the constitutional barriers that the Supreme Court laid waste so ruthlessly in the school cases, Judge Hand thought it "curious" that the Court could not see as big a thing as the 5th section of the 14th amendment which denied to it jurisdiction to decide as it did. He continued:

"I cannot frame any definition that will explain when the Court will assume the role of a third legislative chamber and when it will limit its authority to keeping Congress and the States within their accredited authority. * * * I hope that it may be regarded as permissible for me to say that I have never been able to understand on what basis it does or can rest except as a coup de main."

The Georgia impeachment resolution cites the case of *Bridges* v. *Wixon* (decided on June 18, 1945). There is a strange connection between that case and the School case that was not noticed in the Georgia resolution nor elsewhere.

In the Bridges case the Supreme Court reversed an order requiring the deportation of the alien Harry Bridges, because certain harmless, inconsequential unsworn, hearsay evidence was admitted in the record against Bridges. There the Court held that the use of such harmless, hearsay and nonlegal evidence "runs counter to the notion of fairness on which our legal system is founded."

Thus the Communist Bridges was saved to serve the cause of communism in America because something was allowed to creep into the record against Bridges that had no business there. Bridges was a Communist—mind you.

In *National Council of American-Soviet Friendship, Inc.* v. *McGrath* (decided April 30, 1951) a whole nest of Communists was involved. In that case the Supreme Court held that the use of nonlegal hearsay evidence to blacklist a Communist organization was "abhorrent to free men."

However, in the school cases of May 17, 1954, the Court based its decision entirely and exclusively upon nonlegal hearsay and unsworn evidence—not made a part of the records below but brought into the Supreme Court through a back door—not through the clerk's office—by sociological tramps—and secretly slipped into the record by the Court itself. Thus we have one rule for Communists in America and an entirely different and secretive rule for Americans in America. Communists are now the cherished mentors and privileged pets of some Supreme Court Judges who violate elemental rules of evidence to do for them that which would be "abhorrent to free men" if done against them.

The hearsay brought in by the Court itself in footnote 11 of the Brown School case was "claims of social scientists" as to the dependence of individual Negroes on the position of his racial group in the community. In the Beauharnais case (decided April 28, 1952) where racial questions were involved, Justice Frankfurter, speaking for a majority of six judges, rejected sociology, ecology, and authoropology as unworthy of consideration by upright judges in racial matters, saying:

"Only those lacking responsible humility will have a confident solution for problems as intractable as frictions attributable to differences of race * * *. It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

The lesson and the moral taught by the Supreme Court in these cases is that hearsay in any form may not be used against Communists, or Communist causes, but hearsay compounded with sociology and phychology may be freely used in favor of Communists or Communist causes—such as race-mixing for everyone except themselves.

We are nearing the end of a strange revolution and don't realize it. Successful revolutions do not come suddenly and dramatically. Revolutions are won or lost in the hearts and minds of men, long before they are dramatized on battlefields or consolidated in constitutional conventions. Successful revolutions result from long and careful preparation. Outbreaks of violence are but the outward evidence of change. They are but breakers on the shores of time. The American Revolution began 16 years befor the Declaration of Independence and ended 16 years later when the Bill of Rights was adopted on December 15, 1791. We have lost the revolution. Our Constitution, our country and our freedom are ripe fruit for Communist picking.

It does not require unusual mental astuteness for a hunter to determine the species of an animal by the footprints he makes as he passes. Indians could tell at a glance. They could track white men by the leaves they disturbed long after they passed. To one who knows a smattering of history and has brains enough to reason, that which our Supreme Court has done and is doing is not difficult to understand. Some of those judges think they have found the bag of gold at the end of the rainbow. The gold at the end of their rainbow is in the mines of Siberia, and "Our harps are upon the willows."

Our Constitution contains the seeds of its own destruction. It also contains the seed of its own survival. The Members of the Congress may yet restore constitutional government in America by doing what they said they would do when they swore they would support the Constitution. Some cry "The Court must be curbed." That is not enough. The Court must be purged.

The Potomac in olden days was associated with grand men like George Mason and George Washington. One was the brains and the other the sword of revolution. In October 1792 George Mason was buried at the edge of an old field near Gunston Hall, 13 miles downstream from Mount Vernon. He had penned the most influential constitutional documents ever penned by man. He lived barely long enough to see the Bill of Rights he had written and fought for adopted as the first 10 amendments.

On the following day the 5 sons and 4 daughters gathered in the library at Gunston Hall for the reading of his solemn will. It had been written in 1773, just as the Revolution appeared to be one that would result in the loss of much American blood. One paragraph of that will mirrored the man:

"I recommend it to my sons from my own experience in life, to prefer the happiness of independence and a private station to the troubles and vexation of public business; but, if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interest or ambition induce them to betray, nor the terrors of poverty and disgrace, or the fear of danger or of death, deter them from asserting the liberty of their country

and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

If a majority of our Representatives in Congress would find themselves in Mason's mirror there would be no qualms about curbing the Court now, and purging the Court would follow in due course in accordance with Mason's liberal plan of impeachment for misdemeanors or misconduct which was embodied in section 4 of article II of the Constitution in 1787. Warren Hastings was then being impeached for high crimes and misdemeanors in the British Parliament. The impeachment provision proposed by George Mason in Philadelphia was adopted on September 8, 1787. At that time as now, the word "misdemeanor" meant misbehavior or misconduct. That was first made plain when Madison's Secret Notes were published around 1835. John Marshall and Jefferson, for example, were dead before that secret was revealed.

In the debate on the impeachment clause Mason pointed out the necessity of making impeachment easy in order, as he stated, that "attempts to subvert the Constitution" might be conveniently and adequately dealt with by the people, acting through their Representatives in the Congress. Over violent objection by Madison that Mason's proposal will be equivalent to a tenure during the pleasure of the Senate, the proposal was adopted by a vote of 8 States to 3. The Delegates from Virginia stood with Mason against the so-called Father of the Constitution in 1787. May God give us men with courage to stand with him now to thwart attempts to subvert the Constitution by the guardians of the Constitution.

R. CARTER PITTMAN.

DALTON, GA.

ACTION NEEDED TO STEM THE RECESSION

Mr. SYMINGTON. The economic recession has been under way—all downward—for almost 9 months.

During the past 4 or 5 months of this decline we have been greeted with many optimistic proclamations to the effect that the economy is leveling off; and that we are about to turn the corner.

Mr. President, the hard facts do not support such optimism and do not justify inaction.

Unless we take positive action soon, it is not pleasant to consider what we may find around the corner, if and when we do turn it.

Billions of dollars in production of goods and services have been, and are, continuing to be, lost, as capital and labor remain idle.

Much more than wishful thinking is required to get us back, even to the level of a few months ago.

I was much impressed by the analysis of the economy presented by the senior Senator from Illinois [Mr. DOUGLAS] in the Senate on May 19.

Further, in this connection, I ask unanimous consent to have printed at this point in the RECORD a thought-provoking editorial entitled "Time to Rout the Recession," published in the St. Louis Post-Dispatch of May 18, 1958.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch of May 18, 1958]

TIME TO ROUT THE RECESSION

"Wait and see" has had a fair trial. The time has now come for the administration and Congress to move in massively to halt the recession. Let politics be adjourned. Let Republicans and Democrats unite to put the Nation back on the road to that economic growth which is indispensable to both our domestic welfare and international leadership.

Last week's business barometers established beyond question that the long-hoped-for upturn has not arrived, and that this is the severest of the three postwar recessions. Gross national product in the first quarter was revealed to have fallen farther than at first reported—to an annual rate of 422 billions, or 4 percent off the 1957 peak of 439 billions. This is not a catastrophic decline, but its gravity is illuminated by noting that to achieve the rate of growth which the Rockefeller report found desirable for the full employment of our human and material resources we ought to be producing this year at a rate of 460 billions instead of 422.

Nor does the second quarter show substantial improvement over the first. On the contrary, the Federal Reserve Board index of industrial production for April fell another 2 points to 126—14 percent off the peak, the lowest level since 1954. Steel shipments have recovered little from the first-quarter doldrums which found them 38 percent below last year. As pointed out by the guaranty survey, a most conservative source, capital spending has fallen much more drastically than in 1954 and shows no sign of recovering this year. Businesses are still liquidating inventories, but sales have shrunk even faster, with the result that inventory reduction—which means weak demand from business for new goods—is likely to continue. Unemployment remains about 5 million or 7.5 percent of the labor force, and is widely expected to reach 6 million with the influx of school graduates into the labor market in June.

There are some encouraging indices. Retail sales went up 2 percent in April. Housing starts rose by 6 percent over March. Some improvement in machine tool production is reported. But over-all, the upturn has failed so far to develop. The Guaranty Survey finds "no clear-cut improvement" in those basic business indicators which heralded the upturns of 1949 and 1954, and concludes that "there continue to be several formidable obstacles in the path of early revival." Briefly, the obstacles are that businessmen are spending much less than last year, consumers somewhat less, and Government not enough more to offset the deficit in other areas of demand.

Can we afford to go on waiting and seeing? The Post-Dispatch thinks not.

The case for waiting rests partly on the hope that continued stagnation will force prices and wages down to the point where demand will revive. But the factors working for rigidity in the wage and price structure seem to us formidable. Furthermore, the falling wages that would accompany falling prices represent a contraction of purchasing power which might mean merely continued stagnation at a lower level. In that case the measures needed to induce recovery would become more complex and drastic. Rather than go through a deflation which might or might not be suitably mild, the Nation would be wiser to build recovery on the existing price and wage structure—resolving, at the same time, to do better than it did last time in controlling the next inflation.

Another argument for waiting is that, assuming recovery to be just around the corner, antirecessionary measures taken now would come into full play at a time when they would aggravate inflation. This argument has considerable force, but on balance we think it must be rejected. Nobody can be certain that the assumed recovery is in fact around the corner, which seems to be a moving target. And though all can agree that inflation is a major long-term problem to be dealt with, the immediate problem of first priority is the idle mills, the bulging warehouses, the lagging trade, the shrinking transportation, the 5 million unemployed who are steadily moving nearer the end of their resources.

So it seems to us much preferable to tackle the recession now, with measures strong enough to rout it and yet flexible enough to be withdrawn once recovery is assured.

Action is needed not only for the Nation's domestic welfare, but because at a time of world struggle for leadership we dare not risk a prolonged economic crisis that would dangerously weaken the Free World. Britain and Western Europe are certain to be infected if our recession goes on much longer. Latin America is already feeling it: some of those stones thrown at Vice President NIXON might have been withheld had commodity markets been firmer.

Nowadays, with Russia and China steadily expanding their output, the production and wealth that are lost in a prolonged slump in the United States cannot be safely foregone. Imagine what could be done with the $38 billion of gross national product that measures the deficit between our present rate of output and that which we ought to be maintaining for a healthy rate of growth. Translate $38 billion a year into national defense, into space exploration, into technical assistance and capital expansion for underdeveloped lands, into schools, and hospitals and urban renewal at home, into improved machinery, better jobs, firmer profits, economic strength and confidence. The index of lost production is the real index to watch. The Nation's first responsibility is to bring that indicator down to zero.

For these reasons we believe the time has come for the Federal Government to move powerfully and decisively against the recession. We urge action by Congress and the administration to:

Reduce excise taxes selectively in those industries hardest hit by the recession and most likely to be helped by reductions;

Grant a quick, temporary tax cut for individuals, concentrated in the income brackets where spending would be most affected;

Adopt a selective, temporary form of fast amortization for corporations, designed to induce capital spending in those areas most likely to respond to such incentives;

Speed up Government spending for useful purposes, and adopt a new public works program, such as the Gore bill, for quick-starting, short-term projects like schools and community improvements, the program to be expanded or contracted as needed next fall and winter.

Equally as important as the precise steps to be taken is the attitude in which the problem is approached. Congress and the administration need to join hands to give the people unqualified assurance that the time of waiting is over, that doubts and hesitations are put aside, that no step will be spared to put the unemployed back to work and set the Nation again on the path to healthy economic growth.

That is the primary objective. Unless we attain it, our other great objectives, national and foreign, cannot be approached.

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION OR REPEAL OF EXCISE TAXES

Mr. MORSE. Mr. President, yesterday the Senator from Illinois [Mr. DOUGLAS] submitted a series of amendments to H. R. 8381, the technical amendments tax bill, with which I wish to associate myself. They are tax revisions I have co-sponsored and voted for in the Senate many times in the past.

Primary among his amendments is the temporary reduction in personal income taxes from 20 to 15 percent on the first $1,000 of taxable income, a measure that is critically important at this time.

Furthermore, the Douglas amendments repeal some of the very inequitable and obnoxious features of the Internal Revenue Code of 1954 against which we fought and against which some of us voted in 1954. Senators will recall that in 1954 the tax issue turned not so much on the question whether there was to be a tax cut, but what kind of cut was to be voted and who was to benefit from it.

In order to assure that some of the benefit of the 1954 tax cut would go to lower- and middle-income families, many of us supported and voted for an amendment raising the personal exemption from $600 to $700. That was known as the George amendment because it was offered by the distinguished Senator from Georgia, the late Walter George.

I still favor a higher personal exemption; and for that reason I have cosponsored the Yarborough-Proxmire-Morse amendment of this year, raising the personal exemption from $600 to $800.

In 1954, I voted for an amendment which would have replaced the partial exclusion of dividends from tax with a $20 tax cut for each taxpayer. Thus, I am in full accord with the new Douglas amendment repealing this favored treatment of dividend income.

Thus, I am in full accord with the new Douglas amendment which would repeal this favored treatment of dividend income. In fact, under the 1954 proposal which was advocated by the Senator from Louisiana [Mr. LONG], the Senator from Illinois [Mr. DOUGLAS], and other Senators, including myself, we would have closed the loopholes in a tax law which favored big business; and we would have provided the individual taxpayers with a $20 cut, without loss to the United States Treasury. It was when that substitute was defeated that many of us who are liberals voted against the 1954 tax bill, and rightly so.

Mr. President, on the floor of the Senate, during that historic debate, I referred to the 1954 tax-cut bill as one of the Eisenhower administration giveaway bonanzas to American big business, and a tax cut which discriminated against the small taxpayers of the country. That law, as passed, gave 73 percent of its tax relief to corporations, whereas families earning more than $5,000 got 18 percent of its relief, and families earning less than $5,000 got only 9 percent of its relief.

If there are those who still do not understand why I voted against what I considered to be an unconscionable tax-cut bill in 1954—a bill which favored the large corporations of the country—that is the answer; and I want the people of Oregon to understand that I am proud of the fact that in 1954, I voted against that unconscionable Eisenhower tax-cut bill, which favored the "big boys" and discriminated against the people of the so-called middle-income and low-income groups.

As a liberal, let me say that in my judgment a vote against the tax-cut bill of 1954 was in line with the course of action a true liberal should have followed. I would have voted then for a tax-cut bill, if we could have written a good one; but in 1954, whenever we submitted an amendment which would have made that tax-cut bill a people's tax-cut bill, we were voted down.

That is my answer to those who now are asking, "Why did some of you vote against the tax-cut bill of 1954, although you are in favor of a tax cut in 1958?"

If those who ask that question and who argue along that line would take the time to do their book work and would study the record of 1954, they would understand why the liberals voted against the tax-cut bill of 1954: We did so because we did not think it was a fair tax-cut bill.

Mr. President, I am delighted that the Senator from Illinois [Mr. DOUGLAS] has revived the 1954 tax issue. The principle is exactly the same. In this case, the cut for those in the lower brackets would be greater, in keeping with the greater severity of the economic situation we are in. The revenue loss under this amendment is estimated by the Senator from Illinois at $3 billion, and the net reduction under the whole series would be about $4.5 billion. But as the Senator from Illinois has pointed out, this would just about be recouped from the taxes that would be paid on the greater gross national product that could be expected to result from the kind of tax cuts he has proposed.

Mr. President, let me say that we can rely upon the estimates made by the Senator from Illinois in the field of tax legislation. In my opinion, not only is he the greatest economist in Congress, but he is one of the 10 greatest economists in the Nation today, and he is a recognized tax-expert economist, too. I believe that in its deliberations on the recession problems, the Senate can well afford to pause, to give heed to this great scholar from the State of Illinois, who is recognized by economists to be one of our great experts in this field.

Thus it is I say that reliance can be placed on his estimate that, under his amendments, the revenue loss would probably he recaptured because the tax base would be increased.

In 1954, I may add, the "package" we were supporting was opposed by administration spokesmen who denounced it as "fiscal irresponsibility."

Mr. President, the phrase "fiscal irresponsibility" is a bromide which often is used in connection with debate on tax measures. When we fight for the fiscal interests of the mass of our people, when we insist that those who have the ability to pay taxes should pay them, and that those who are entitled to consideration in time of recession should have the benefit of the kind of a tax cut the Senator from Illinois has proposed this year—a proposal in which I was happy to join, as one of its cosponsors, and a proposal similar to the one the Senator from Texas, the Senator from Wisconsin, and I proposed when we urged that the exemption be increased—we liberals frequently find that the slogan "fiscal irresponsibility" is hurled at us. Mr. President, we are accustomed to hear that slogan stated and restated, and repeated again and again, whenever a salutary tax cut for the people is proposed.

The other Douglas amendments—those reducing the depletion allowance, and providing for the withholding of taxes on dividends—also carry out objectives which I have supported and cosponsored in the past. In 1951, I cosponsored with the Senator from Illinois an amendment which provided for a 20-percent withholding tax on corporate dividends; and I am glad to express my support of the same principle, in the form in which he submitted it yesterday by means of his amendment.

The amendment which calls for a reduction of the oil depletion allowance to 15 percent—as called for in another of the amendments of the Senator from Illinois—is similar to an amendment which was submitted in 1951 by the Senator from Minnesota [Mr. HUMPHREY], which amendment I cosponsored and supported. The loophole dealt with by these amendments is among the most flagrant of all the tax loopholes. So at every opportunity I shall continue to urge the repeal or the reduction of the oil depletion allowance.

Mr. President, the excise-tax amendment which was submitted on yesterday by the Senator from Illinois would repeal and reduce many of the manufacturers' and retailers' excises. The transportation tax on persons would be cut from 10 percent to 5 percent, and the transportation tax on goods would be repealed entirely. His amendment would also repeal the telephone tax. I strongly endorse and support the amendment.

Mr. President, I have heretofore made similar comments, in essence; but they need to be repeated again and again for the RECORD, in connection with any tax-problem debate on the floor of the Senate.

The position taken by me on the issue of excise taxes is not a new one; it is the same as the position I took in 1947. The RECORD will show that I was the first Member of the Senate to submit, and urge the adoption of, an amendment which sought to bring to an end the wartime excise taxes or to reduce greatly the ones the amendment did not propose to repeal outright.

In the course of past debates I have said, and today I repeat, that the wartime excise taxes were placed on the statute books for two purposes:

First, to raise quickly the revenue needed by the Nation for the successful prosecution of the war.

Second, to discourage use of transportation and communication facilities and the purchase of civilian goods by the consumers of the Nation. Incidentally, it is rather difficult to find a means more effective than an excise tax to discourage consumers from buying civilian goods.

Mr. SPARKMAN. Mr. President, will the Senator from Oregon yield to me?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Oregon yield to the Senator from Alabama?

Mr. MORSE. I yield.

Mr. SPARKMAN. Mr. President, I wish to compliment the Senator from Oregon for making this presentation. I believe he is entirely correct.

In my opinion, what is really a reflection on the Congress is the fact that Congress has allowed these wartime imposed excise taxes—with their downward dragging effect on the economy—to remain on the statute books for all this time. For instance, at a time when the railroads are said to be sick, and when Congress is in the process of enacting legislation for their benefit, why should there be a transportation tax on persons, and also on all shipments of freight?

We can make similar points in regard to the entire category of excise taxes.

So I desire to state that I agree completely with the Senator from Oregon.

Mr. MORSE. Mr. President, I thank the Senator from Alabama.

On the subject of the transportation tax, let me say to him that it particularly discriminates against the businessmen of his section of the country and the businessmen of my section of the country, because it works a great hardship on both the South and the West.

Mr. SPARKMAN. Mr. President, the Senator from Oregon is entirely correct. In fact, that tax is an illogical one for all sections of the country.

Mr. MORSE. Yes, it is a completely illogical peacetime tax.

This colloquy leads me to finish my comments on the history of the excise tax. It was placed on the statute books, as I have said, in order to discourage consumer buying. But it was placed on the statute books with a pledge by Members of Congress and by the administration who requested it. What was the pledge? On many occasions since 1947, when I made my first proposal to repeal most of the excise taxes and to reduce the others, I have referred to that pledge, by quoting from the CONGRESSIONAL RECORD. The pledge of Representative after Representative and Senator after Senator, when these taxes were enacted, was that when the war was over they would be repealed. I happen to think that Members of Congress should keep a pledge. It is no answer to me to say the pledge was made by prior Congresses, not by this Congress. We recognize that when a tax law is written on the statute books under a commitment of Congressional intent and purpose, subsequent Congresses have a moral obligation to carry out the purpose originally intended when the tax was imposed. So I say a continuing moral obligation rests on this Congress, and we ought to proceed to keep that moral pledge by getting the tax removed and by greatly reducing the taxes we do not remove entirely.

I have asked before, and I repeat the question for the RECORD today, Who is proposing the repeal or reduction of the excise taxes? Who proposed it in the first place? Many have proposed it, but one particular group stands out, because it certainly is a group that represents American business. I offered my proposal in 1947 for the elimination of some of the excise taxes and the reduction of most of the others. The Committee for Economic Development is composed of outstanding business leaders, and there is not a Government person on the Committee. It is a committee of American industry and businessmen. The Chairman of the Committee in 1947 was Paul Hoffman, then President of the Studebaker Automobile Co. That Committee submitted for the consideration of the American people—and I used it in the debate in 1947—a very scholarly analysis of the effects of the excise taxes. That Committee of businessmen, known as the Committee for Economic Development, a continuing body, which is still doing excellent work in the field of economic research, recommended the very provisions of the bill which I subsequently introduced. In fact, my bill was written from the report of the Committee for Economic Development in 1947.

So I wish to say to the Eisenhower administration, and to my colleagues in the Congress, when I continue to fight for the elimination of excise taxes, I am seeking only to effectuate and implement the recommendations of this great Committee of outstanding American businessmen, who have told us over and over again the bad effects excise taxes have on American business.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Missouri.

Mr. SYMINGTON. It is always a pleasure to hear the articulate and very able senior Senator from Oregon on any subject, especially on subjects having to do with our economy, prosperity, and security.

I should like to ask the able Senator if he does not think it is rather extraordinary that, while excise taxes were imposed on passenger and freight transportation during the war, despite the fact that we now know railroads are in trouble, and despite the fact we also know some of the large insurance companies have very heavy investments in railroad securities, when the President of the United States sends to the Congress recommendations designed to aid the railroads, he fails to include any suggestion to relieve them from the excise taxes, which the heads of the railroads say constitute just about the most onerous burden they have to face. Does not the Senator think that is an extraordinary situation?

Mr. MORSE. It is extraordinary. Somebody ought to do better book work for the President than to permit him to send to Congress recommendations for railroad legislation which do not contain a proposal for the repeal of the transportation excise tax. That is my answer to the Senator from Missouri.

I always appreciate the contributions of the Senator from Missouri, to any discussion in which I participate on the floor of the Senate. This is an example of another helpful contribution. It causes me to point out that I happen to be chairman of the Subcommittee on Railroad Retirement. We have before the subcommittee a very serious problem in regard to railroad retirement. Thousands upon thousands of retired railroad workers are entitled to some consideration from the Government in the form of legislation which should be enacted this year. They have contributed to the retirement fund over the years. Their dollars have shrunk. They are in the position of not receiving a reasonable retirement allowance. I am confronted with the subcommmittee's receiving proposed amendments to the Railroad Retirement Act and representatives of the carriers testifying with respect to the deplorable financial condition in which they find themselves.

There is involved a balance between what I consider to be the equities of the retirees and the fiscal situation in which the carriers find themselves. I happen to think we are going to have to take some action by way of legislation this year. As soon as my committee writes up the retirement bill, I shall submit a proposal which will do justice to the retirees. I also want to do justice to the carriers. I say to the President of the United States one proposal he ought to make, and quickly, in order to do justice to the carriers, is the repeal of the transportation excise tax, because the removal of the tax would prove to be a great help to the carriers.

Mr. President, as I said a moment ago, the excise-tax amendments submitted yesterday by the Senator from Illinois repeals and reduces many manufacturers' and retailers' excises.

I wish to make it clear to the Senator from Illinois that I endorse and support all his amendments of yesterday, individually and in toto. They carry out sound principles of tax policy for which I have always stood. I believe his proposal for a personal income-tax cut carries out the equally sound principle of Federal fiscal action to counter the recession. This principle is embodied in the Employment Act of 1946, of which I was a coauthor.

Any assistance I can offer in any way to the Senator from Illinois to obtain consideration and adoption of these amendments is his. I want him to count me in as an advocate and backer of his proposals.

I close my comments on the tax question by a brief observation. Nothing has happened to change my view of months ago that the economy of the United States needs both a tax cut and a substantial public-works program. I happen to hold to the political tenet that when the people of a democracy begin to suffer because of economic dislocations which have developed, it is a moral obligation of Government to use its instrumentalities to come to the assistance of a suffering people.

Oh, it is all right, Mr. President, to go to New York and talk to an audience of businessmen, as the President of the United States did the other day, when he told them "Things are picking up. We have about reached the end of the slump. There is a leveling off." But let me say that is small comfort to several million people who have been unemployed for many months. It is small comfort to businessmen who have gone bankrupt as a result of the present recession. It is small comfort to the people who have suffered as a result of the inaction of the Eisenhower administration with regard to the recession. Likewise, Mr. President, it is small comfort to the people who have suffered as a result of the fiscal policies of this administration, started in February 1953, when the inexcusable hard-money, tight-credit, high-interest-rate policy was put into effect.

Not in a spirit of "I told you so," but in the interest of keeping the RECORD straight, I shall always be proud of the fact that the same day the very unfortunate fiscal policy was announced by the Eisenhower administration I stood on the floor of the Senate and protested, warning that it was bound to lead to economic difficulty for many Americans.

I did not have to be a seer to make that prediction, Mr. President. Anyone who simply knew the principles of elementary economics in the operation of the Nation's financial structure could easily see that was bound to happen. That is why I said in those days, in the debates which ensued, that one of the effects of the policy would be to make the bankers richer and the small-business men of America poorer, to make more money for the bankers as they loaned less money at higher interest rates.

A sorry record was made as a result of that policy, and we are now beginning to see the White House chickens come home to roost.

Mr. President, I not only favor a tax cut and a public-works program of a considerable number of billions of dollars, but I happen to think the American system of private enterprise is worth protecting. When one stands for a tax cut and at the same time for a public-works program, as liberals do, one stands for the protection and strengthening of the private-enterprise system of America.

The private-enterprise system is not strengthened by a recession, I may say to the President of the United States. The private-enterprise system is not strengthened by permitting economic conditions to worsen to the point that today America has the highest bankruptcy rate it has had in 20 or 25 years. The private-enterprise system is not strengthened, I may say to the President of the United States, by following a course of nonaction, a course of wait and see, and by predictions that better times are about to come.

When a President of the United States takes his oath of office, I happen to think that he, too, assumes a moral obligation to see to it that the Government will do for the people what needs to be done in order to protect them from the kind of suffering a considerable number of millions of our fellow citizens are suffering today as a result of the Eisenhower recession in many parts of the country and the Eisenhower depression in other parts of the country.

Oh, I know that those of us who take the position which I am taking on the floor of the Senate are said to be fiscally irresponsible because we stand for a tax cut and a public-works program at the same time. Some try to frighten the people with the "boogie" word "inflation." It is said that if we make a tax cut and provide a public-works program, we will have inflation.

Well, Mr. President, we are confronted with a very interesting economic situation in our country at the present time. We are confronted with a great scarcity of hard, cold cash in the pockets of millions of consumers. We are confronted with an abundant inventory. So abundant is the inventory that many manufacturing industries are operating at only a small percentage of their productive capacity. Inventories remain high because people are not buying at the same rate as before.

The last figure I saw with regard to steel showed that the steel industry was operating at 54 percent of capacity. I ask Mr. Eisenhower: At what percent of capacity does he think the Russian steel plants are operating? We need to ponder the comparison.

Let me say, as a member of the Committee on Foreign Relations of the Senate, the great threat to America in the 100 years immediately ahead will be the threat of Communist economic penetration throughout the world. We cannot afford the luxury, may I say, of a steel industry operating at 54 percent of capacity, because the strengthening of freedom around the world calls for full production by the industrial sinews of America. I would ask the President of the United States to reflect on that need, as I make my plea for a tax cut and a public-works program.

Mr. President, we can impose some inflation controls if inflation should develop, but I agree with the economists who are pointing out to us that we do not face that danger. There is not the danger of inflation, which the President talks about, when we have a shortage of purchasing dollars and an oversupply of inventory. The Senator from Illinois covered this point very well in his outstanding analysis given to the Senate on Monday.

I used a homely example the other day by referring to what I was going to do as a farmer in regard to the purchase of some farm machinery this year. I am glad to report the success I had in my little program, because, after all, such simple illustrations sometimes are the best one can give of the operation of economic laws on a wide basis.

Some time ago I referred to the "inflation bugaboo" argument used by the Eisenhower administration. I pointed out that in my farm operations this year I would need a new hay baler, I would need another tractor, and a cornpicker. I pointed out I had already stopped at two farm equipment places to try to David Harum a deal on a hay baler. I said that by those two stops I had already saved myself $250, and that when I was able to save myself $350 I would buy the hay baler. The end of the story is that I bought one, and saved myself $410.

I use this homely example, Mr. President, because it is a pretty good down-to-earth example of what happens when there is an overstocked inventory and somebody comes along with some hard, cold cash in his pocket. I had the cash. I got it from another David Harum trade, to relate which I shall not take the time of the Senate. I did a little selling, and as a result of selling I was able to have the cash to buy the hay baler.

In my judgment, Mr. President, this illustration would be multiplied by millions of instances across the Nation if we could put into the pockets of the consumers of America some tax savings they could use as hard, cold cash for purchases from an already supplied inventory.

"But," say those of our colleagues and the newspaper editors who take a contrary position and who charge us with fiscal irresponsibility, "if you were to follow the course of action proposed by those who support the Douglas tax bill and Yarborough-Proxmire-Morse tax bill, it would not put men back to work."

Let us see whether or not it would. Who says it would not? Those who jump at the false conclusion had better take a look at how the economy really operates.

If there is a tax cut, and people are provided with cash to help reduce inventories, the businesses of the country will be in a position to enter into new-order contracts for new inventories. That will put men back to work. It will not happen overnight, of course, but we must start the chain of causation and effect. If the effect is to be greater employment, there must be cash in the pockets of purchasers to buy an overstocked inventory. That is a very elementary principle in the operation of economic laws; and politicians cannot repeal economic laws. We had better start recognizing them and following them.

Another bugaboo argument, another scarecrow argument, which is supposed to cause politicians to run for some kind of political storm cellar, is the argument that, "If you stand for the Douglas-Yarborough-Proxmire-Morse program in the Senate, you not only will have inflation; you not only will not help people who need jobs"—both of which arguments in my judgment, are highly fallacious—"but there will also be deficit spending."

Those who make such an argument make a great bogy of deficit spending. They try to persuade the American people that the country will fall if we have deficit spending.

I am one politician who is not afraid of deficit spending. To the contrary, I recommend it; I am recommending several billion dollars' worth of deficit spending, as fast as we can get the projects underway. In my judgment we shall require at least $10 billion of deficit spending, and I am not sure that we shall not require

more, in order to right the economic injustices which are being caused by the recession.

Let us take a look at deficit spending. The impression is sought to be created, as we listen to the scarecrow artists who use the deficit-spending argument, that Uncle Sam is just about broke, just about ready for the bankruptcy court.

Deficit spending would increase Uncle Sam's wealth. If we continue to follow the course of action we are now following, Uncle Sam will end up poorer than if we proceed at once to stimulate American industry, so that new wealth can be produced from the new projects which will result from the lending by Uncle Sam to America the money necessary to start a public-works program and to stimulate a purchasing program which will empty the inventory shelves.

Deficit spending is really a form of installment buying on the part of Uncle Sam, in the interest of the private enterprise system. It is a form of borrowing on the part of Uncle Sam so that private-enterprise industry can go ahead again in high gear, in a wealth-creating program which will put people back to work. It will keep small business in operation. It will empty the inventory shelves. It will result in new orders. It will cause the steel industry to operate, not at 54 percent capacity, but at full capacity. That is why I am not frightened by the scarecrow of deficit spending. I am for it. I think economists largely agree that it was deficit spending which killed the great depression, deficits that resulted from massive expenditures during World War II. Deficits can be created either by tax cuts or by public expenditures. Right now, a tax cut is the quickest way of increasing the total amount of combined public and private spending. The effect of public-works spending will come later.

But there must go along with deficit spending—and this relates to a subject which I discussed earlier in my remarks—taxing in times of prosperity, not only to balance the budget, but to pay, in times of prosperity, a substantial amount on the national debt. The time to consider the deficit is when we have prosperous times, and we can tax to reduce the deficit.

If we are to follow the moral obligations of a free society in a democratic form of government, we cannot justify refusing to engage in deficit spending when the welfare of the people calls for it; and I respectfully submit that the welfare of the American people calls for substantial deficit spending in the period immediately ahead.

I am willing to stand on the side of those experts who are presenting to the Congress, through one medium or another, their research findings and their scholarly articles on the operation of our economy. They contend that a substantial amount of deficit spending at this time would result in bringing economic justice to millions of their fellow Americans who are suffering as a result of the policies which have been pursued by this administration since 1953.

Mr. President, I turn now to another subject.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

RETAIL PRICE FIXING

Mr. MORSE. Mr. President, as a member of the Senate Select Committee on Small Business I have long been aware of the extremely difficult problems facing small-business men throughout the Nation in their efforts to deal on a competitive basis with American big business.

The American public is almost totally unaware of the campaign that is underway to pass a retail price-fixing measure which would severely weaken the antitrust laws of the United States. For various reasons we have been told practically nothing about this very active campaign to impose legalized price fixing on the American consumer. The press and radio have not given sufficient attention to this issue. This may be attributable to the fact that the subject is extremely technical. It is not surprising, therefore, that we in the Congress are receiving mail only from one side, namely, from the proponents of these bills that would authorize the fixing of retail and wholesale prices.

I have before me the testimony presented to the House Committee on Interstate and Foreign Commerce by a scholar who has been studying this problem for the past 8 years. The author is a Jesuit priest-professor, the Reverend Robert J. McEwen, S. J., chairman of the department of economics in the university at Boston College. His sober and serious consideration of the economic and ethical arguments on the topic of federally enforced resale price maintenance laws is worthy of consideration by all Members of this body.

I ask unanimous consent to have printed in the body of the RECORD a statement presented by Father McEwen during the course of the hearings of the House Interstate and Foreign Commerce Committee on the proposal for a new Federal fair trade act.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT J. MCEWEN, S. J., ASSOCIATE PROFESSOR OF ECONOMICS, BOSTON COLLEGE, CHESTNUT HILL, MASS., BEFORE SUBCOMMITTEE ON COMMERCE AND FINANCE, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE IN HEARINGS ON H. R. 10527, APRIL 1958

My name is Robert J. McEwen. I am an associate professor of economics and chairman of the department in the University at Boston College. My qualifications include graduate degrees in economics from Fordham University and from the University at Boston College, and degrees in philosophy and theology from the Pontifical Institute at Weston, Mass. I have specialized in teaching courses in the social responsibilities of business, in the socio-economic teachings of the church and in the area of money and banking. My doctoral dissertation was on the subject of fair trade laws. Now in the hands of a publisher, it will bear the title "Price Justice and the Fair Trade Laws." In preparation for this work I have been doing research on the subject of fair trade for the last 8 years.

REPRESENTATION

Though a member of several organizations, I must emphasize that my testimony in no sense reflects either official policy positions or official statements of these organizations.

REASON FOR APPEARANCE

A word of explanation may be in order to clarify my reasons for consenting to take a public part and a public position in this delicate area of public policy. Because I am connected with none of the special interest groups that have a vital and direct stake in this legislation, and because I believe that Members of the Legislature may be interested in hearing testimony that links the professional economic and ethical viewpoints on this question, I have consented to go on public record with views that I have frequently expressed in private conversations and in individual classes.

Furthermore, I want my testimony to bear witness to the fact that Christian philosophers and economists are vitally interested in the practical problems of the business civilization. Political and economic policies and actions are fundamentally moral and ethical decisions. If right principles and honest objectives guide us to the selection of correct practical policies, the whole moral tone of our society will remain healthy.

If the suspicion grows that your practical decisions are based solely or mainly on narrow prejudices or selfish pressures, a dangerous cynicism will pervade the souls and minds of the people. Their loyalty and confidence in our democratic processes of government will be destroyed. Need I remind this audience that such an effect is almost an automatic sequel to the narration of certain facts of American political history—even when the teacher bends over backward to be understanding and realistic.

It is good, therefore, that Congress has a practice of calling independent witnesses to testify on issues of public policy. To leave it to chance that the conflicting views of interested parties would develop all the information and argument needed by Congress to decide where the general public interest lies would be risky. It could happen that the policies urged by such interested parties may be fully in harmony with their own particular self-interest, but not at all conducive to the general welfare of the public. The reliance by Congress on the presentation of the views of conflicting lobbies could lead to the evils of special interest legislation so much deplored of late by political scientists.

FOCUS OF TESTIMONY

Ignoring for the most part legal technicalities involved in this present bill, I shall focus my testimony on the aspect of desirable public policy for Congressional action in this area. My specific viewpoint will be a blend of economic, social, and ethical considerations.

As an introduction to my statement, allow me to insert here a brief summary or abstract of the main conclusions of my doctoral study.

SUMMARY OF STUDY, PRICE JUSTICE AND THE FAIR TRADE LAWS

(By Robert J. McEwen, S. J.)

The inspiration for this study came from long years of searching the philosophical literature dealing with economic questions for a satisfactory statement of the meaning of the adjectives "fair" and "just." It appeared that these adjectives, without sufficient explanation or justification, had come to be applied to many current business practices whose nature demanded exploration. Fair trade laws presented the most obvious area where the justification of the word "fair" should be examined in the light of the philosophy of price justice.

The core problems are two: (1) Is there a workable philosophy of price justice capable of application to modern economic realities? (2) If so, are fair trade laws in harmony with the principles of pricing justice?

This study, therefore, is an attempt to apply social philosophy, with its general and specific principles of pricing justice, to a definite system of pricing practices sanctioned by law.

As sources for the doctrine of justice, main reliance is placed upon the Judaeo-Christian tradition as interpreted by contemporary authorities in the socio-economic field, such as Monsignor Messner and the Reverend B. W. Dempsey, S. J. The writings and speeches of Pope Pius XII are frequently used to illustrate doctrinal points and to emphasize the fact that this teaching is not limited to medieval times but is meant explicitly for 20th century economies. An explicit attempt is made to avoid entering the area of historical controversy about the development of the just price doctrines.

Part 1 presents a currently applicable synthesis of the requirements of pricing justice. The first core problem is thus answered with a qualified affirmative. There is a sufficiently workable philosophy of pricing justice from which the conditions for correct markets can be derived. Thus, the just price is defined as the economically correct price, the resultant of the interaction of real and natural economic forces operating through a market mechanism which is geared to insure the free and accurate expression of the valuations of the community. Further, the purposes which will justify attempts at interference with, or regulation of, the market process are also deduced from the conditions for market correctness. Thus, criteria for the evaluation of the purposes of fair trade are established.

Part 2 presents the purposes of fair trade in the words of its proponents. The prime purpose claimed is the prohibition of price cutting on branded products in order to protect the manufacturer, the consumer, and the small-business man.

Part 3 narrates the results of a series of statistical and industry studies, including surveys of the market distribution of photo flashbulbs in the cities of Boston and Washington. This industry was chosen because (1) there were only three important producers, (2) their product was easily identified by investigators, (3) one company used fair trade while the others did not, and (4) the product was sold in two types of store. Washington, as a non-fair-trade area, is useful as a test against which to compare the Boston data. The main conclusion of such a comparison is that no real differences, based on the existence or nonexistence of fair-trade laws, can be detected in this industry, with the exception of the availability of bargains in Washington. What differences there are may be traced to differences in store type. Strong drug trade associations and the oligopolistic nature of the flashbulb industry are responsible for the observed similarities of retailing behavior. A very high index of identical pricing of competing brands in the stores carrying multiple brands is observed. The observed index is 91 percent.

Part 4 evaluates each of the alleged purposes of fair trade in the light of criteria for price justice and market regulation derived from part 1 and in the light of the evidence produced by the fair trade surveys and studies of part 3.

Among others, three core propositions in the Christian doctrine on price justice are involved in the evaluation. They are: (1) The necessity for social control of the pricing process either through the mechanism of effective competition or through public law regulation; (2) the necessity of allowing the buyer side of the market to have a full share in the determination of the prices of both goods and services; (3) the principle that the social product should be produced at the minimum level of socially necessary costs.

As fair trade evaluative criteria the following deductions from the doctrine of part 1 need emphasis:

1. The crucial importance of a sensitive market mechanism to express the common estimation of values.

2. All market forces must ultimately express values as monetary prices. To remove these from market determination is to break the community's economic thermometer.

3. The ideal market—a goal always to be sought, though never fully achieved—involves the perfect fulfillment of the four conditions of knowledge, will, freedom, and absence of influence.

4. Only two ways are open to achieve just prices—either naturally through correct markets, or legally through governmental price fixing.

5. The law must not supplant the market unless (a) the latter cannot operate, and (b) important public welfare goals are at stake.

6. The law, or other social controls, must not regulate the market except with the purpose of allowing it to perform its natural function more perfectly.

Conclusions

1. There is no sufficient justification for lending public legal support to the objective of protecting trademarks or channels of distribution for the manufacturer. While these may be legitimate private goals, there is no evidence that they constitute a valid object of public concern.

2. The consumer protection argument cannot be taken seriously. Consumer organizations deny such a need. The sponsors of fair trade have not been recognized as champions of the consumer. No independent evidence of the need for consumer protection of this nature has been found. The statistical evidence advanced by fair trade advocates was found to be inadequate, false or misleading. Errors of statistical procedure have vitiated every attempt to produce statistical proofs.

3. There is merit to the argument that small business must be given some form of special assistance. Fair trade laws are not the proper instrumentality to give this aid to small business. They probably do the small man more harm than is realized, particularly because they raise the general cost of doing business and invite chainstore competition with specialty shops.

4. The concept of competition in business that is found to be implicit in the fair trade position is distorted and deficient. It is inadequate to fulfill the function of competition as conceived by Christian price justice doctrine. It is deficient because: (a) It excludes competition completely from the retail level; and (b) it really makes possible the exclusion of price competition even at the manufacturer level in many instances. The fair trade position implies the desirability merely of interproduct competition. Both Christian price justice and the United States antitrust laws imply interseller competition. Only the latter is able to supply a theory of the function of the retailer that makes it clear that distributors perform a real economic service to society worthy of a justified financial reward.

5. The inadequacies of legal measures which attempt the direct control of prices and the undesirability of adding public law sanction to privately fixed prices supply further motives for concluding that fair trade laws are not in harmony with the principles of price justice.

6. The social implications of the fair trade philosophy, as is clear from foreign as well as domestic experience, are dangerous to a free, progressive economy due to the multiplicity of restrictive trade practices encouraged by such laws. Attempts at a system of licensing members of a trade, at quotas allowed to each member, at entry restrictions into the trade, at restrictive sales laws forbidding other types of store from selling certain products—all these have been, and are logically, the next steps after fair trade price fixing.

At the outset let me emphasize that I have real respect and admiration for those members of the retailing profession that I happen to know personally, particularly drugstore owners. There are no finer men in the world. Let me add, too, that I am conscious of and sympathize deeply with their problems and difficulties. I realize that there do exist certain unethical practices by a small minority of retailers and that frustration at the unfairness of these tactics has led to the demand for some protection, such as is thought to be given by fair trade laws.

Since the word "fair" occurs so prominently in all discussions on this problem, it may be advantageous for me to sketch for you an outline of the Judaeo-Christian theory of market justice—in other words, of what is fair in market practices and in market prices. For, after all, in this context the words "fair" and "just" should mean the same thing.

It may be well, at this point, to state clearly the meaning of the adjective "Christian," as used in this study. Primarily, it means the conclusions and arguments of natural human reason, attempting to apply the so-called natural law tradition to social questions. The reason for keeping the argument on this level of natural reason is this: It appears to be the best way to achieve that "coalition of all people of good will throughout the world," which Pius XII said was the only way to reach a solution of grave social problems. (Address of June 4, 1950. See Review of Social Economy, vol. 8, No. 2, p. 134.)

The central core of the theory of price fairness or price justice lies in the concept of an exchange of equivalent values. What I give you in exchange for what you give me must be equal in objective economic value. If this were not true, one party to an exchange would be cheated by the other party and the exchange would be clearly unfair and unjust. This does by no means preclude the possibility, or the reality, of subjective profit or gain on both sides of the exchange. In other words, I gain subjectively from an exchange because I have a greater desire for what I receive than for what I give up in payment. And, of course, my opposite number in an exchange profits subjectively also because he has a greater subjective desire for what I am giving him.

Now the key question in the determination of economic justice in exchanges in market is this: How do we know the objective values of things in order that we can perceive when an exchange is really between two equal values? It is possible for a mind possessing infinite wisdom to make such an evaluation for all goods and services in the world but such a mind does not exist on this earth except perhaps as a fictional element of totalitarian economies. In free societies and free economies the manifestation of objective equality of values for exchange purposes must be left to the social device known as the common estimation of free buyers and sellers in a correct market. (The characteristics of a correct market we shall enumerate shortly.) Some products and services, however, do not have by their very nature a free and common market and, therefore, some other device must be used by society to establish equivalents of value in exchanges. This is the field known as public utility monopolies. Here equivalence of value is decided either directly or indirectly by the supreme civil authority acting in the name of the general public. Such prices, in the terms of social ethics, are known as legal prices. The former, that is those established by the

common estimation of buyers and sellers in a correct market, are known as natural prices. Now what are the required conditions for a correct market?

Obviously this will be a matter of degree. The perfect fulfillment of all the conditions for a correct market will represent an ideal that exists nowhere in full reality. However, the proper policy for the social action of a political community will be one that attempts to approach as closely as feasible to the ideal conditions of a correct market.

The correct market is one where the following conditions are fulfilled:

(a) Information. Knowledge must be had by all buyers and sellers, at least in an adequate measure, concerning all the conditions affecting the product, its cost, uses, qualities, substitutes, and other factors affecting both the supply and the demand side of the market.

(b) The will to accept justice in market dealings as the guiding principle of their business activity.

(c) Freedom available to all buyers and sellers to express in the market their true judgment of the values of the product.

(d) The absence of any substantial influence which could distort either the demand or the supply side. This means the exclusion of all types of fraud, deception, and monopolistic compulsion.

The first condition, that of adequate knowledge, is probably the one that offers the greatest possibility of private and governmental improvement. As Professor Mason has said, "consumer's ignorance has opened up a wide field of economic opportunity for methods of nonprice competition of dubious merit" (Economic Concentration and the Monopoly Problem, p. 157).

Improved knowledge, of course, is the chief goal that motivates consumer organizations in their activities for their members. Reformers might usefully concentrate their efforts in this area. It may prove to be the best way to improve the correctness of the markets without destroying freedom, mobility, adaptability, and initiative.

To this end attention should be directed to current efforts in States like Massachusetts, New York, Michigan, and Pennsylvania, to establish a State office of consumer's counsel. The potential good, in a purely publicity and educational way, that such offices could achieve is sufficient justification for their existence. Farsighted governors in these States have had the wisdom to advocate such official attention to the needs of consumers.

The condition of freedom to express a true market judgment is also an obvious necessity. No true reflection of society's evaluation of goods and services will be found in a market where buyers and sellers are not really free. This, of course, is not the unlimited freedom of action implied in laissez-faire markets. The last condition, prohibiting the exercise of undue influences, places obvious boundaries within which the free judgment must remain.

In summary, these four conditions are necessary in order to get a correct market; a correct market is necessary in order to establish objective equivalence of exchanged values; and objective equivalence of values is necessary in order to preserve the balance of justice in exchanges. A social organization which is not geared to assure substantial justice to the participants in the social organism will soon decay from within. Herein lies the importance of the specific principles of pricing justice which should govern the exchange activity of men.

Another name for the just price is the natural price. This brings out very well the idea that the requirements of pricing justice do not flow arbitrarily out of the head of some ecclesiastic, but do proceed logically as rational conclusions from the nature of things and of men.

But what of the cases where it is impossible to have a correct market? Catholic doctrine knows only two general types of prices, (1) natural prices, i. e., those resulting from the orderly interaction of the forces of demand and supply in the market; and (2) legal prices, i. e., those fixed by public authority. And these latter are only just to the extent that they equivalate that natural price which a true communis aestimatio would establish if the conditions for a correct market were fulfilled.

Any other kind of price which may de facto exist in the economy is not a true price, i. e., a monetary expression of value. Rather it is a distortion of true value.

Thus, when society is so organized that the requirements of a proper social framework are achieved, and when, as a consequence, legitimate owners of wealth have both the will and the opportunity to meet each other in correct markets, the resulting interaction of the actual forces of supply and demand will produce the just price. This will be, accordingly, the economically correct price also—that is, correct in an economy that has subordinated itself to all the moral requirements listed above.

Two very important characteristics of this just price deserve special mention. It is expected that the just price be subject to variation with differences of time, place, and technology (including the development already reached by the economy in question). Furthermore, the just price is not to be considered a fixed point. It is, instead, a range with upper and lower limits. The width of this range will, as a general feature of all markets, grow with the increasing prosperity of the country and with the concomitant growth in its money supply.

Function of retail competition

The functions of the retailer, and of competition, as conceived either implicitly or explicitly by the proponents of fair trade should be judged in the light of the following questions.

What is the proper function of the retailer in a distributive mechanism that creates just prices? If he is just a manufacturer's agent carrying out blindly the latter's orders, how does that give him a specific function to perform that will differentiate him from a dumb vending machine? After all, even the vending machine is adding time and place utilities to the manufacturer's product. In point of fact, the vending machine is adding more of these utilities because it is open 24 hours a day. Under this fair trade conception, how does a retailer add any more than the machine?

On the other hand, if a retailer, as a free and Christian system would suggest, (1) acts as the consumer's eyes and ears, (2) gives correct and honest advice to consumers, (3) rejects worthless goods and encourages superior quality ones, (4) paves the way for having products produced and sold that are meeting true needs of consumers at true prices, and (5) forces correct costing and pricing on the manufacturer, then it can truly be said that he is performing a real economic service to both buyers and sellers in the market. Then for a valuable contribution to the distributive system, he merits a proper reward.

However, the rise of what is called monopolistic competition has seen the manufacturer more and more taking over the retailer's functions, chipping away gradually at his specific responsibilities until he is reduced to a robot or a vending machine. If the retailer acquiesces in this process, he is admitting that he no longer deserves the monetary reward that was formerly justified by his specific responsibilities and contributions. Furthermore, if he acquiesces in fair trade pricing, he is admitting that the value of his services may properly be set by the manufacturer, and not by market forces between himself and consumers.

Marketing theory conceives of each step in the distributive system as adding time, place, form, service, and instructional utilities to the bare product as it left the hands of the maker. In a real sense, so the theory holds, all these utilities are in the nature of "value added" to the manufactured item. Hence, they are true economic utilities and, as such, deserving of a price or a reward. In the older terminology, they are the "costs of distribution."

The ultimate retail price to the consumer should reflect a charge for each of these utilities incorporated in the particular good. However, it is hard to find justification for the claim, implied in fair trade identical pricing, that each and every seller of a product has added to the product exactly the same list of utilities in exactly the same degree. Under identical pricing, either some seller is not getting paid enough for the services he has rendered or some other seller is receiving too much.

In a system incorporating a sensitive market calculus of the real consumer appreciation of the worth of these various utilities, the sellers (retailers) have to engage in price competition with each other. It is not sufficient to say that products compete with each other. The product as it left the hands of the manufacturer should not be conceived as economically the same product which the retailer sells to the customer. Therefore, it is a little hard to see how the manufacturer should have the right to fix the final price at which the retailer must sell the goods. Otherwise, one falls into the danger of saying that it should be the manufacturer and not the consumer, who is fit to appraise the value of all the additional values or utilities which the distributive process has added to the maker's article.

Cost of doing business

One of the most disturbing features of the proposals advanced to justify fair trade is the attitude toward the cost of doing business. Some fair trade companies set their retail prices by taking into consideration the average cost of doing business in the particular industry as revealed in surveys of some previous period. Many legislative proponents of fair trade speak frequently of the cost of retail operation as if it were an inflexibly fixed and necessary figure that had to be added to the manufacturer's price, plus a retail profit figure, to arrive at the final selling price.

This passive acceptance of past standards of retail operation, and especially this illogical devotion to an average cost figure, would appear to ignore the economic realities of the components of the cost of doing business.

A trade reporter summarized the opinion at one of the annual spring markets thus:

"Never before have the department stores been so cognizant of how antiquated is the present price structure, trade spokesmen say. Because the discount threat has forced them to reappraise their operating costs, retailers have found that the 40 percent markup is more than an adequate margin, trade sources say. (Cf. Bob Okell, Retailer Battling to Keep His Spot in Hectic Market, Retailing Daily, July 11, 1955, sec. 4, p. 1.)

It should be remembered that a retailer uses the terms "margin" and "markup" to mean the percentage of the ultimate sales dollar that remains with the retailer after he has paid the manufacturer and wholesaler. For instance, if a retailer buys a product from his wholesaler for 60 cents and sells it for $1, he makes a 40-percent margin of profit or markup. In reality, 40 cents profit on 60 cents invested is a 66.6 percent profit. This is a common fair-trade margin. Out of this margin, of course, a retailer has to pay

his costs of operation. If they are very high, he may have nothing left.

Compare, for instance, a study of the reasons for the return of merchandise at Gimbel's department store in New York which revealed the following facts:

1. Salespeople were mishandling customers attempting to exchange goods. As a consequence, the customers were asking for a return credit instead of taking something else. A training program was instituted to correct this situation.

2. Every month "more than 500 packages are brought back * * * by United Parcel because handwriting by a salesperson is illegible or wrongly addressed."

3. During 1 week, 560 sales checks, totaling approximately $6,000 were written out for merchandise that was out-of-stock. All of these customers had to be contacted and the matter rehandled.

This is but one sample of an element in the cost of doing business that is neither necessary nor proper. Excessive numbers of retail outlets in Fair Trade areas, of course, produce underutilization of resources. Two other highlights of the new NARD survey of drugstore operation are extremely significant:

1. "Operating expenses consumed approximately 28 cents of each sales dollar. * * *

2. "Unoccupied time is a significant cost in the retail drugstore. Wages for idle time represented from 8.5 to 39.1 percent of total operating expenses, an average of 21 percent of sales. While much of the unoccupied time in the retail drugstore is in the nature of 'standby capacity' the cost of this time is often the difference between profit and loss." (Burley, Fisher and Cox, Drug Store Operating Costs and Profits (New York: McGraw-Hill, 1956), p. 8.)

Easy reliance on maintained high margins of profit and markup tend to diminish the competitive impulse to correct such conditions. Fortunately there is some evidence that reasonable men in retail distribution are beginning to agree with this thinking. In an editorial, signed by the editor and publisher, Electrical Dealer said:

"Dealers who couldn't speak rationally about the discount houses a year ago are analyzing the low-cost retailers' techniques and attempting to follow some of them. * * *

"It is possible * * * the high-cost retailer will not price himself out of the market on competitive merchandise, and the low-cost dealer will have to lower his discounts in order to give some of the extras he has eliminated. The leveling-out process would peg the cost of distribution at a fair price." (Low versus High Cost Retailers, October 1956, p. 90.)

Any argument or any conclusions that must be based on the accounting or record-keeping practices of retail stores is highly suspect. Especially in the case of specialty stores, according to the opinion of a survey director, caution must be used in interpreting any statistics because such stores are too loose and uncertain in their accounting.

In a comparison of these notions of competition held by the fair-trade adherents with the principles of market correctness, the total and complete incompatibility of the one with the other is too obvious to require long elaboration. While the principles of price justice admit of much community or social regulation of the terms or framework of competition, they are insistent on preserving the actual process of price determination itself from artificial or external influence.

Freedom of entry

You should be clear about the alternatives open to us as a society. If you accept the idea of price fixing in order to keep in business all those now engaged in a certain trade, say drugs or gasoline, then you must be logical and pass a law prohibiting anyone else from opening up a new drugstore or a new gas station. If there is not enough demand to keep everybody in the industry profitable without price fixing, then obviously there is no room for a newcomer in that line of business.

(If you think this to be a farfetched line of reasoning, then I respectfully remind you of the recent action of druggists in England who specifically proposed to limit the opening of any more drugstores.)

However, if you intend to preserve our traditional American right for every Tom, Dick, and Harry to enter any business he sees fit—at his own risk, of course—then you must be prepared to accept the possibility of human failure and miscalculation. Therefore, there will be inevitable business failures.

We cannot, as a society, have a cake and eat it too. We cannot guarantee profits to every businessman and at the same time allow each individual to enter any line of business he wants.

Moreover, we should always read the statistics with an understanding of their background. For instance, Massachusetts recently opened a beautiful toll turnpike that roughly parallels the old road to New York City. It has, of course, drained away a lot of the traffic from the old road. Is it any wonder, then, that sections of the old road look like graveyards of gasoline stations? Yet each one shows up in the statistics as a business failure. And the new stations opened upon the new road do not equal in number the closed stations because the turnpike authority rigidly limits the number of stations along its route. None of these will fail because they have been scientifically planned and granted immunity from competition.

If that is the type of economic system you wish to see in the United States, the fair-trade path is the correct way to get there. But at least you should be clear about the alternative choices open to us.

Short of price fixing, there are many areas of governmental action vitally beneficial to the preservation of correct markets. For instance, uniform standards of quality for definite products, such as the FTC has been attempting, is a valuable aid to the perfection of knowledge on the part of buyers. In the same vein, the policing of advertising to keep it reasonably close to the truth is a valuable governmental service. Mrs. SULLIVAN, among others, has called attention to the problems of adequate inspection under the Food and Drug Administration and the Department of Agriculture.

If you desire to help and protect the consumer, give your support to expanded appropriations for the above purposes. That will be a direct and visible step toward assuring fair and accurate market judgments by consumers. To the extent that products are misrepresented to the buyer, the achievement of a fair and just price is hindered. If a manufacturer is putting out junk, or if his product will not really do for me all that he claims, the price I pay for it is not made fair and just merely because the law allows the manufacturer to set it.

Consumers and goodwill

To all Congressmen and Senators, rightly proud of their reputation for clear thought and sharp debate and intellectual consistency, I would recommend extreme care in the use of fair-trade arguments involving the consumer, his "protection" from various things that he apparently likes, and his deteriorating good will toward products that are price cut.

It is slightly inconsistent for fair-trade advocates to argue that price cutting on liquor must be prohibited, because it would stimulate overindulgence and overconsumption of intoxicants, a moral degradation of the people. If price cutting leads to such an increase of consumption, then why is it not good for the people to possess more electric toasters and other products whose use, I believe, does not involve any such moral degradation? And why is it not to the manufacturer's advantage to have this greater volume of sales stimulated by lowered prices? This does not seem to be damaging to the manufacturer's trade-mark or goodwill.

May I call your attention to this paragraph from a recent Forbes magazine?

"Although GE's decision set the retail community on its ear, it did put new life into small appliance sales. Thus the farewell to fair trade is likely to be something less than catastrophic to GE itself. Though normal dealer margins may drop from 32 percent to as low as 16 percent on small appliances, GE's prices to its distributors remain unchanged. Yet contrary to testimony by Westinghouse, which credits increased sales of its small appliances to its abandonment of fair trade in 1955, GE stubbornly maintains that even in those States which have tossed out fair trade * * * it has noticed no appreciable change in its competitive position" (March 15, 1958, p. 22).

Private price fixing

The time has come in these United States to call a halt to any further attempts to give legislative approval to private price fixing. I would earnestly pray that enlightened legislators would appreciate the almost universal truth that price fixing never has solved, and never will solve, the business ills for which it is alleged to be a remedy.

It is unfortunately true that State after State, and the Congress too, is being flooded with bills and requests to allow the fixing of service prices, the fixing of oil prices, the fixing of liquor prices, and so on ad infinitum. In each case, there is some genuine economic difficulty or hardship. But instead of attacking the basic causes of the problem, you are asked to solve it by the completely inadequate method of clamping a price-fixing straight jacket on the distributive system.

This is the precise type of economic policy that brought the economies of cartelised Europe to the verge of economic collapse. Historically, it was the American insistence on competitive pricing that was one of the chief forces responsible for the remarkable successes of our young country. It will be one of the tragic ironies of history if we adopt the discredited cartel price philosophy just at the time that European countries are abandoning it in favor of a free system. It will be a sure sign that we are developing into an old and tired and sick economy. How responsible business leaders can urge us in that direction is more than I can reconcile with their verbal protestations of faith in the American system.

A package plan—A positive solution

Rather than immediately resorting to price fixing, Congressional attention should be fastened on the real causes of justifiable complaints from small business. Most of these real complaints have been mentioned and investigated to some degree by committees of this very Congress. What the intelligent and farsighted friends of small business should now do is this: support a package plan for small business aid that would incorporate the following main points:

1. Special credit and banking consideration for small business. Perhaps a development bank or a capital bank as suggested by several Senators and Representatives.

2. Encouragement of more vigorous enforcement by the Federal Trade Commission and the Department of Justice. Expanded appropriations for these two agencies should be used to prosecute those who are damaging smaller competitors by activities that are even now illegal.

3. Tax revision to take account of the special needs of the small-business man. Small losses suffered by a small man just drive

him into bankruptcy while large losses suffered by a large man just make him a fit target for a juicy merger.

4. Perhaps also a loss-leader bill prohibiting sales below invoice cost, apart from certain emergencies.

Small-business credit

The first point, in my eyes, is of special importance—and here I must differ from the recently published Federal Reserve study on small business. It denies the need for any special consideration for small business, urging that all users of credit should be made to compete for the available supply on equal terms. But here is precisely my difficulty. To claim that our present system achieves competition for credit on equal terms is nonsense. The banks will automatically favor their large clients, especially in a recession—and this is precisely when small business needs extra consideration.

In this area, the whole economic system, and the small-business man in particular, suffers from what has been called "the perverse elasticity of the banking system." By that I mean the well-known tendency of banks to be liberal with loans in an inflationary period—almost to the point of dangerously careless generosity—and their corresponding tendency to be overcautious and severe on loan applications in a recession.

The "perversity" of such tendencies is due to the fact that they are the exact opposite of the policies that the general good of the country would demand in those circumstances. The welfare of the economic system would demand that bankers be very cautious in an inflationary period so as not to feed the fires of inflation—especially should they not encourage marginal or doubtful enterprises which will be the first to fail in a slight recession. And the welfare of the country would demand great liberality with credit in a recession. This is exactly what the banks will not do.

A recent article in Business Week (March 22, 1958) notes:

"This week the Federal Reserve made another cut in commercial bank reserve requirements.

"But the chances are that would-be borrowers won't find banks any more eager to give them credit.

"A majority of them added that the trend toward easier money does not mean any easing in lending standards. In fact, banks are tightening them.

"This tightening at a time when money is easy is typical in a recession. For although banks are in a more comfortable position than they were when money was tight, the decline in business activity has made them much more cautious and selective in granting loans.

"Banks in the hardest hit areas are the most cautious. There, bankers admit turning away customers who would have been eligible a year ago. In many cases, they demand much more collateral.

* * * * *

"As a conservative Cleveland banker explains, 'In times like these you make the best loans. The bad ones are made when times are real good and you relax a bit'."

That last quotation is a perfect epitome of the banking system's perverse elasticity. And it is a clear indication of the need for some kind of special bank or fund for small business.

If the representatives and friends of small business would unite in support of such a reasonable package program for small-business aid, they would find themselves supported to the hilt by all those independent legislators, economists, and citizens who are anxious to see a thriving and prosperous ownership economy, but who rebel at anything that looks like a selfish, pressure-group imposition on the general public.

Mr. MORSE. A reading of Father McEwen's statement will demonstrate very convincingly that these price fixing devices will harm the consumer and do very little good for the small-business man. The whole economic system is crying for reduction of prices, but big business instead proposes devices that will add further to already unreasonably high prices.

As one who has opposed with all my strength and ability every bill which would harm small business by leaving it open to unfair attacks by large corporations, I am certainly not unmindful of the problems of the small retailer. It is my feeling that the "fair trade" device, under which the manufacturer of a brand name item is really delegated the authority to determine the ultimate price paid by the consumer, constitutes no solution to the problem of a fair price for the retailer and it has potentialities for great harm to the consumer. The emotional appeal of "fair trade" is unsupported by economic facts, as nearly as I am able to determine them from most economists.

Because of my great and continuing interest in small business, I feel that the Judiciary Committee and the Congress before the close of the session should take action on the bill, S. 11, the "equality of opportunity" bill of which I am a cosponsor.

This bill would repair the damage done to the Robinson-Patman Act, the Magna Charta of small business, by a decision of the Supreme Court several years ago. If were enacted, small business would again enjoy the protection from predatory raids by its large rivals which Congress intended it should have when the Robinson-Patman act was passed in 1936. This loophole created by the Court, under which chain stores and other large buyers can get excessive and discriminatory discounts and concessions not made available to the small retailer must be closed.

I hope the Congress will also give thorough consideration to, and take prompt action on, the bills, S. 3851 and 3852 which were introduced on May 19 by the Senator from Minnesota [Mr. HUMPHREY]. I was pleased to cosponsor these proposals because I feel that they offer feasible plans for dealing with the notorious loss leader practice and prohibiting sales at unreasonably low prices designed to destroy competition. Legislation of the type just mentioned would protect small business and the consumer, but would not provide unwarranted windfalls for big business, which, in my judgment, the so-called fair-trade proposals would do.

Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

AMERICANS FOR DEMOCRATIC ACTION—SPEECH BY FORMER SENATOR LEHMAN

Mr. MORSE. Mr. President, at the banquet meeting of Americans for Democratic Action, held in Washington, D. C., on May 17, 1958, a former distinguished Member of the Senate, a man to whom I have referred many times, in the Senate and elsewhere, as the giant of American liberals, the Honorable Herbert H. Lehman, made a speech on civil rights problems as they confront the country today.

I intend to ask unanimous consent to have the speech printed in the RECORD as a part of my remarks, not because so much of the philosophy of the speech coincides with the position on civil rights, I have taken over the years, but because I feel former Senator Lehman, in his speech, has expressed the point of view of many of us so much better than we can in our individual capacity. I consider it a great honor and privilege to ask unanimous consent that former Senator Lehman's speech, at the banquet meeting of the Americans for Democratic Action on May 17th, be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE HERBERT H. LEHMAN AT CONVENTION BANQUET OF AMERICANS FOR DEMOCRATIC ACTION, WASHINGTON, D. C., MAY 17, 1958

It is always satisfying to address my fellow members of ADA.

No gathering gives me a greater sense of being with kindred spirits than an assembly of ADA members and their friends. Here I always find a fierce devotion to the cause of freedom, a deep concern for the underprivileged, a passionate attachment to justice, and a willingness to fight seemingly hopeless battles when necessary, to uphold the principles and values of liberalism.

The importance of the ADA's contributions to the political and intellectual life of our country can be measured by the attacks directed against it by the reactionaries. The fact that ADA is so frequently singled out as their target is, to my mind, a laurel to be worn with pride.

These past years have been eventful ones—perhaps the most eventful in all history; surely the most eventful in my memory.

Was it only 4 years ago today that the Supreme Court handed down its historic decision in the school segregation cases? It seems an age, and yet, from the viewpoint of time, it was only yesterday.

Tonight, I would like to discuss this one event, whose fourth anniversary we observe today, and to try to arrive at an understanding of what that Supreme Court decision means in terms of past, present, and future.

I believe that the Supreme Court decision was the most important single event of this eventful decade, as far as the internal life and soul of America are concerned. It might even be judged to be one of the climactic events of this century, not only for America, but for the world.

The Supreme Court decision was not, of course, a detached phenomenon, rising like a mountain peak from a level plain. It was, instead, a high summit in an endless range of developments—in the timeless reach of human liberty. In a more restricted sense, the decision of 1954 was the greatest victory of recent times in the civil rights struggle—a victory which completely changed the nature of that struggle and converted it, in its public aspect, from that of an almost make-believe war which had been going on in Congress and within the political parties for a decade, into a grimly real assault upon the major strongholds of discrimination and oppression.

As a matter of fact, the Supreme Court, in previous cases, had already given warning that State laws protecting the practice of discrimination were far from being securely embraced by the Federal Constitution.

In 1950, the Court decided three cases brilliantly argued by Solicitor General Philip B.

Perlman, which, in the words of Arthur Krock, of the New York Times, left the judicial safeguard of racial segregation—the precedent-protected doctrine of separate but equal—"a mass of tatters." But not until 1954 did the Court tear the doctrine down completely and condemn segregation, itself, to legal death.

Prior to the 1954 decision, segregation was the unspoken word in the vocabulary of the civil rights struggle. In the market place of political debate, this word—segregation—was used only with the greatest caution. One could condemn segregation or Jim Crow in regard to travel on streetcars, buses, and trains, and access to public accommodations such as hotels and restaurants. But few dared to attack the entire institution of segregation—that all-pervasive code of conduct and status by means of which millions of human beings were being kept in a subordinate social, political, and economic status.

Four years ago today, the Supreme Court struck boldly and bodily at the heart of this monstrous evil. Unanimously the Court found that segregation was, per se, discrimination, and that State laws upholding it were unconstitutional.

America has a way of producing the right men in the right place at the right time—in times of great crisis. We should thank God that in 1954 we had, and still have, one of the most courageous—and courageously led—Supreme Courts in our history.

Since 1954, the highest Court of the land has been subjected to shocking attack, defiance, and attempts at retaliation. But the Supreme Court and its subordinate Federal courts have held firm and moved majestically forward—all without real assistance or comfort from the executive or legislative branches of the Federal Government.

Now, let us look at the school segregation struggle in some perspective as part of the whole civil rights struggle.

The civil rights struggle did not begin on May 17, 1954. It did not even begin with the issuance of the Truman Committee Report on Civil Rights in 1947; nor with the historic fight on the floor of the Democratic convention in 1948. The civil rights struggle began in America centuries ago, soon after the first slaves were brought to these shores. It has continued in various forms in the political arena and on the battlefields of the Civil War until the present day.

The institution of slavery was the predecessor of the institution of segregation; the two are of the same nature. Segregation is no more than a substitute for slavery.

Slavery is an uglier word than segregation, but the practice of segregation is just as ugly—just as degrading—as the practice of slavery.

If you would see the naked face of segregation, go to any plantation town along the Mississippi delta or to any mill town in Georgia or South Carolina. Segregation there is the plain practice of white supremacy. The Negro is forced to accept the status of inferiority in every aspect of his life, and has no voice whatever in the decisions of local, State or Federal Government affecting him or his family.

Let me emphasize that segregation not only adversely affects the Negro, but the white man, too. The white man, to keep the Negro down, must stay down himself. The South has borne this burden, as it bore the burden of slavery, at great cost to itself and the Nation.

During the last 3 years, there has been some progress in school desegregation.

During this period, 764 school districts, scattered through 10 border and Southwestern States, have begun or have completed desegregation. The overwhelming majority of these school districts are in six States: Maryland, West Virginia, Kentucky, Missouri, Oklahoma, and Texas. But 2,135 Southern and border States' school districts, which contain Negro and white pupils, will open the school term next fall without even a promise of a start toward desegregation. Of the school-age pupils in the 17 Southern and border States, only 4 percent of the Negro pupils and 4 percent of the whites will attend desegregated schools next September.

Seven States of the Union—the hard core of the solid South, plus Virginia, are arrayed in a posture of massive and determined resistance to school desegregation of any kind. All the force and power of State government and of State law are arrayed in these States to prevent, and even to outlaw, desegregation.

Meanwhile, tensions between the races in the South have grown. Most of the tension, I am told, is on the side of the whites. This tension is due mostly to fear of the unknown. The white Southerners have suddenly discovered that they do not, as they have always claimed, really understand their fellow citizens of the Negro race. And what is truly dangerous, there is no longer communication between Negroes and whites in most areas of the South. Negroes have come to look for leadership not to white men, but to their own—to men like that brave, brilliant, and deeply religious man, Rev. Martin Luther King—to their church organizations, to the NAACP, and the Urban League.

One of the worst things that has happened has been the almost total intimidation of the decent and liberal-minded white leaders of the South. The few rare but brilliant exceptions serve only to highlight this situation.

Very recently, State Senator Harvie Belser, of Florida, declared: "The lukewarm moderates are part of the past." There is, unfortunately, much truth in the boast of this Florida legislator.

The fact is that the demagogs—the rabid exponents of white supremacy—have taken over in many places, both at the State and the local level. The moderates, for the most part, now show their moderation by silence. There has been no national leadership to rally them. Yet it is my personal conviction that given national leadership, the moderates would be in control today.

It is a mistake to think that the development of the present crisis dates only from the Supreme Court decision. The present crisis has its origins in many years of official inaction far antedating 1954.

The demand for positive action—for governmental intervention to bring an end to the cruelties of discrimination—has been growing for the last quarter century. These demands, however, have not been reflected in Congressional action. Those responsible for the frustration of Congressional action during all these years must bear their share of the responsibility for the present situation.

Congress finally did pass a civil-rights bill in 1957—the first Civil Rights Act in 87 years. There were those who said that the passage of this legislation would loosen the floodgates of freedom and sweep away many of the obstacles to progress. Thus far, at least, it has not worked out this way.

A Civil Rights Commission was established and given life to September 9, 1959. One-third of the life of the Commission has passed. The Commission has not even been wholly organized. The Staff Director, who was named only in February of this year, has just been confirmed by the Senate. Out of a total of 70 authorized staff employees, the Commission has hired less than a dozen. Of the complaints received, not a single case is under field investigation and none is under active consideration by the Commission. In general, the Civil Rights Commission can best be described as a study in slow motion, or even in still life.

The Civil Rights Act of 1957 provided for the designation of an Assistant Attorney General to be in charge of Civil Rights. A Mr. Wallace White was so nominated. His appointment still languishes in the Senate Judiciary Committee.

Finally, the Civil Rights Act of 1957 authorized the Attorney General to use the authority of his office to safeguard the right to register and vote in Federal elections. So far, the Attorney General has not initiated a single case.

I can find no evidence that the legislation passed last year has thus far been effective in facilitating any significant increase in Negro registration or voting.

For the elections of 1958, the registration process in many States is now under way or already over. Some primaries have already been held. I am told that in the critical places—in the Black Belt and in the rural areas—discouragement of Negro registration and voting has been greater, if anything, than in the past.

Let me make perfectly clear that in my judgment, the right to vote is the most potent weapon the Negroes in the South have in order to gain all their proper rights. If, in fact, opportunity for full and free suffrage is achieved, the civil rights roadblock will have been removed and the way to justice will be clear ahead. Today, the leadership of the civil rights movement is wisely concentrating on this front.

The fact is, however, that although Negro voting has been gradually increasing for the past 10 years, this all-important trend has thus far received little or no support from the Department of Justice and only questionable impetus from the passage of the Civil Rights Act of 1957.

Last February a bipartisan omnibus Civil Rights bill was introduced in both the Senate and the House. In the Senate it was introduced by PAUL DOUGLAS and 15 other Senators. That bill proposes, among other things, to give Federal support to school districts desiring to desegregate. It also authorizes the Attorney General to help safeguard constitutionally guaranteed rights other than the right to vote.

To date, that bill has been gathering dust in the Senate Judiciary Committee. Recently, the Subcommittee on Constitutional Rights voted three to two against even holding hearings on this and other civil rights legislation. Even if this decision is reversed, however, and hearings are in fact held, there is no substantial prospect that any meaningful civil rights legislation will be passed at this session of Congress.

The record of action on civil rights by both the executive and legislative departments since the passage of the Civil Rights Act of 1957 is a dismal one. The fact is—and we must face it—that the interest in and support for positive and forceful action has greatly receded. Many factors are involved in this circumstance, but one of them is, I believe, the passage of the inadequate civil rights bill of 1957.

I know that there are many who sincerely disagree with me on this, but I believe that the passage of an inadequate measure is frequently worse for the cause it purports to serve than the passage of no legislation at all.

Still another factor in the grim outlook for civil rights has been the sudden loss of interest in the subject by the Eisenhower administration. Apparently the concern of this administration with the civil rights problem was like the morning glory—quick to bloom and quick to fade.

Recently, the highest official of the United States Government—the President of the United States—counseled patience on the part of the Negroes of America with regard to their civil rights. I join with many voices which have since been raised in expressing shock and disappointment at this reflection of President Eisenhower's attitude toward the unbearable injustice of the present situation.

He urged patience. But the memory of every American Negro encompasses more than 100 years of slavery before the Declaration of Independence, 77 more years of

slavery in this land of liberty after 1776, and 90 years of segregation after the Emancipation Proclamation.

And now it is 4 years since the Supreme Court decision. How much patience must one have?

I believe that among the most truly patient people in the world must be numbered those Americans of the Negro race who have so long endured the degradation of segregation, and still work with restraint and reason to achieve their goal of simple equality of treatment as American citizens.

In my judgment, the bravest of them all are the little Negro school children, in Little Rock and in many, many other places less renowned, who have walked the gauntlet of hate and prejudice to break the trail for the onward march of brotherhood.

What courage they have showed. What faith has moved them—these little boys and girls, as they have walked, in many a town and village, up those all-white school steps into the eye of the whirlpool. In almost every case I have heard about, these children have acted with grace and dignity, with the simple conduct of people who quietly move mountains. These are true heroes and heroines.

The example of these heroic youngsters—and of their patience—should put to shame all those timid men who say that on the civil rights front we are moving too fast.

Let me go back to the subject of school segregation. Today, in the light of the Soviet advances in the fields of science, many Americans have come to realize that our school system may be inadequate to the challenge of the cold war. Some of the most vital engagements in this war are being lost in the schoolrooms of America. We know we have a critical shortage of all types of school facilities, and particularly of elementary schoolrooms. Nowhere is this shortage more critical than in the South. Yet more than 2,000 school districts in the Nation continue to maintain two distinct—and costly—sets of schools for the purpose of segregation. In some States, laws have recently been passed authorizing the abolition of the entire public school system if threatened by desegregation. State officials in some of these States are said to be ready to order their public schools closed as soon as this becomes their only last alternative to desegregation.

In my judgment, to shut down the public schools, on whose optimum functioning our national survival depends, in order to uphold the unconstitutional and immoral practice of segregation, is not only incredible, but borders on the treasonable—in a fundamental, if not in a legal, sense.

What a pretty picture this is, a picture of men so filled with prejudice that they would destroy the very underpinnings of democracy to save the institution of segregation.

Meanwhile, in recent days we have seen other pictures—the actual and frightening photographs taken in Peru, Venezuela, and Lebanon, showing angry mobs engaged in expressing their resentment against the United States.

It has been said that the Communists were responsible in large measure for those violent demonstrations. But what gives the Communists the ability to call these and other mobs into being?

One of the most powerful weapons we have given our enemies abroad is our practice of discrimination against Negroes and other minorities.

I say that we are losing the battle of Asia, Africa, and Latin America in Little Rock, Charleston, and Richmond.

I have criticized—we all must criticize—the President of the United States and his administration for their abdication of responsibility and for their basic posture of neutralism in the civil rights struggle.

We must also criticize the Dixiecrats in Congress and elsewhere for their blind and prejudiced opposition to the inevitable tides of progress, and for their relentless refusal to yield to the urgent demands of the national interest in the field of human rights.

We must also criticize those men of fluctuating zeal who think of civil rights as a political drum to be beaten at appropriate times when people are listening, rather than as a cause constantly to be fought for because it is right.

We must also criticize those, however well-meaning, who put party success, unity or regularity ahead of the principles of right and justice.

But in the last analysis, let us agree that the civil-rights struggle is not just the responsibility of the President, of the Congress, and of political officeholders—it is everybody's job—your job and mine.

Each of us has a part in it; a part of the responsibility to eliminate the practice of discrimination in whatever guise it may be found, in the North as well as in the South, at the community and State levels, as well as at the national.

We of the North have a special job to do—to break down the walls of the racial ghettos in our cities—the Harlems—and to make the North a shining example of the principle of nondiscrimination to which we subscribe for the South.

Oh, I know the difference between segregation in the South and the North. One is by law; the other is by private prejudice. But neither is justifiable.

We must help the South rid itself of this intolerable burden, which will open new vistas of social and economic expansion to our entire country. We must rid our own hearts of the last vestiges of prejudice which will give us new strength for the tasks which await us.

We must not only advocate the doctrine of equality. We must demonstrate it.

We must mobilize all-out support for the Douglas bill and for other sound civil rights measures in the Congress—not for passage in 1960, but this year. The political leaders must be given reason to know that the people will remember in 1960 the actions that were taken—or not taken—on civil rights in 1958.

In the fall of this year, we must press all candidates in the Congressional elections to take a clear stand on all the phases of this crucial issue.

We must press the President and the Department of Justice, and the Civil Rights Commission, to discharge their responsibilities—in full, and with unflagging zeal: above all, to assume leadership of the forces of good will in the South and rally them to battle against the demagogs and race baiters.

We must support the effort to bring our fellow-citizens of the Negro race into full political participation, and mobilize ourselves and others for the fight against all forms of intimidation and discouragement of Negro voting.

General public interest in the civil rights issue must be revived and revitalized. It must be identified as a test of the moral conscience of the Nation.

Of all the challenges which confront us, I know of none greater. If we will but dedicate ourselves to this undertaking and sound the trumpet for the advance against the evil of discrimination and segregation, we will have taken the first steps toward eradicating it.

I know that ADA will rise, as it always has, to this challenge. Our job, however, is not only to strengthen our own resolution, but to mobilize others for these efforts.

This is the good fight for the good cause. If we have faith in our purposes, victory will surely crown our efforts.

Mr. MORSE. Mr. President, I am sorry I could not attend the banquet; at the time I was in Hermiston, Oreg., making an Armed Forces Day address.

However, I am a vice chairman of Americans for Democratic Action, and I am one politician who has always been proud publicly to confess his membership in Americans for Democratic Action. Oh, it is supposed to be one of the associations of the senior Senator from Oregon which was going to defeat him in 1956, because certain smear artists circulate, from time to time, falsifications about Americans for Democratic Action. However, when we took the facts to the people of Oregon in regard to Americans for Democratic Action, and in regard to the legislative programs for which Americans for Democratic Action stand, those attacks on the senior Senator from Oregon evaporated into politically thin air.

As I have said so many times, I have a secret weapon in American politics. To understand the position I take on issues, it is necessary to understand the effectiveness of the secret weapon. It is to be found in the fact that the fine people of the great State of Oregon rate second in the Nation in literacy. Mr. President, with an intelligent constituency, a highly literate constituency, a constituency which interests itself in the facts, the kind of smear campaign which is conducted periodically against Americans for Democratic Action does vanish into thin political air.

Having introduced the Lehman speech, delivered by him at the banquet meeting of Americans for Democratic Action, I wish to close my comments on that organization by pointing out that it is not only an organization of constitutional liberalism, which I have so frequently defined as seeking to translate into legislation the private property rights guaranties and human rights guaranties of the Constitution—and that is the legislative objective of Americans for Democratic Action—but it also has a record of anticommunism which is not surpassed by any other organization. The members of Americans for Democratic Action recognize that there can be no dignity for the individual, there can be no personal freedom for the individual, and there can be no constitutional rights under a system of totalitarianism, be it Communist or Fascist.

Therefore, I am very proud, as a vice chairman of Americans for Democratic Action, to insert in the RECORD today a truly great speech on the important constitutional question of civil rights—that great issue which faces the American people and will continue to face them until it is settled right. There cannot be in America any compromise of the 14th and 15th amendments to the Constitution, and there can be no compromise of the constitutional right of first-class citizenship, a right entitled to be enjoyed by every man, woman, and child of this country, irrespective of race, color, or creed.

Therefore, I congratulate the great statesman, the giant of American liberals, Herbert H. Lehman, of New York, for the magnificent speech he made on May 17th at the banquet of Americans for Democratic Action.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Kentucky.

Mr. MORTON. I understood the Senator to say that one of his secret political weapons is the fact that his State stands second in literacy. I hope the Senator does not imply that my secret political weapons is the fact that my State is near the bottom of the list in literacy.

Mr. MORSE. Oh, no. It probably means that the Senator from Kentucky does a better educational job than does the senior Senator from Oregon. I know something of the record of the Senator from Kentucky. Of course, when I was praising the people of the State of Oregon, I certainly was not reflecting on any colleague or on the people of any State. I was merely expressing great pride in the fact that we could present these issues to the people of Oregon and as a result the Americans for Democratic Action smear soon vanished.

The historic campaign of 1956 illustrates something else, I might say goodnaturedly, in the rather informal spirit which the Senator from Kentucky always inspires in me, and that is that the people appreciate a direct and frank facing of just such allegations against the Senator from Oregon when the opposition camp tries to do damage to him by misrepresenting the program and record and ideals of the organization known as Americans for Democratic Action, of which I am so proud to be a member, and in regard to which I am so highly honored to be one of its vice chairmen.

Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

THE SENATE AND MR. NIXON

Mr. MORSE. Mr. President, I should like to call attention to an editorial in this morning's New York Times. I hope no one on the New York Times will be upset because I pay the Times a high compliment. I have in times past been critical of some of the editorials published in that newspaper, and undoubtedly will be again in the future.

However, as chairman of the Subcommittee on Latin American Relations of the Committee on Foreign Relations, I wish to express my appreciation to the New York Times for the editorial appearing in this morning's issue, entitled "The Senate and Mr. NIXON." I believe it to be a very fair appraisal of a problem that confronts my committee, and to which we will give judicial and impartial consideration in the hearings which will be held in the near future.

I ask unanimous consent that the editorial may be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE AND MR. NIXON

The Senate Foreign Relations Committee is serving a great need in the investigation now beginning into United States policies in Latin America. It was not to be expected that Secretary Dulles and others in the State Department would or could concede that all is not well with our policies toward Latin America. Vice President NIXON obviously came back from his dramatic trip to South America with other ideas.

Foreign policy is, generally speaking, an abstract business, but the stones thrown at Mr. NIXON were not abstract. He has the best reason to know that United States policies have built up hostility in Latin America. The logic of those who say that something is wrong—and this goes for other regions than Latin America—is simple. If United States foreign policies were correct and effective, there would be an understanding of American ideals and objectives; our allies would be cooperative and basically friendly; the uncommitted nations would respect us, and our ideological enemies in the Communist bloc would both respect and fear us. Since this is not the case today, it is argued that the foreign policy of the United States must in some important respects be wrong or deficient.

Generalizations of this type can be deceptive, but they are valid up to a point. However, unless it can be proved that specific mistakes have been made with regard to specified countries or regions, criticisms have little value. This is where the Senate Foreign Relations Committee must come in.

The particular field in which the committee is now going to work is Latin America. The problem is not what percentage of the Latin Americans are friendly to us but why so high a percentage are critical or even hostile. The fact that Communist agitators evidently organized and inspired the two bad demonstrations in Peru and Venezuela against Mr. NIXON is not so important as the fact that the climate of opinion favored them. If Latin Americans are unjust to feel so critical, then there has been a failure in diplomacy and public relations. If they have a right to be critical, then there has been a failure of policy. Either way, some of the blame for the hostile attitude toward us of so many Latin Americans is our fault.

Mr. NIXON has indicated that the problems are to be found in three fields. Economically, the region is suffering because of the fall in commodity prices; yet it sees the United States preparing to raise tariffs and cut import quotas against its products. Politically, Mr. NIXON feels there is great resentment because of the belief that the United States helped dictators to stay in power and gave no special encouragement to democracies or to democratic movements inside dictatorships. Four of the eight countries the Vice President visited had recently rid themselves of their dictators—Argentina, Peru, Colombia and Venezuela—but in every case the United States was friendly to the dictators up to the very end.

Having stated publicly, as he did, that dictators are repugnant to Americans, Mr. NIXON would presumably extend this attitude toward the dictatorships of Paraguay, Cuba and the Dominican Republic. On this whole problem Mr. Dulles and his Assistant Secretary of State for Inter-American Affairs, Roy R. Rubottom, disagree. They believe that the doctrine of nonintervention prevents the United States from making any distinction between dictatorships and democracies. The vast majority of Latin Americans, all of whom favor nonintervention, would disagree with the State Department. This whole issue is definitely one for the Senate committee to study.

Finally, Mr. NIXON has concluded that "this part of the world needs more attention than it has been getting, politically and economically." The way Latin Americans put it is that they have been neglected in comparison with Europe, Africa, the Middle East and Asia.

All these arguments, and more besides, will keep the Senate Foreign Relations Committee busy for several months. It is right that Senator MORSE should be at the head of this investigation, because he is one of the few Senators who have shown a keen interest in Latin-American affairs and who have studied the region.

APPLICATION OF MORSE FORMULA TO CERTAIN BILLS PASSED ON CALENDAR MAY 21, 1958

Mr. MORSE. Mr. President, yesterday when certain bills on the calendar were considered, I unfortunately could not be present because of my obligations as a member of the Committee on Foreign Relations, which is preparing the foreign-aid bill, and my obligations as a member of the Committee on Labor and Public Welfare, which is holding hearings on important proposed legislation. All day yesterday I was shuttling back and forth between those committees, and I could not appear on the floor of the Senate to participate in the debate on certain bills which were considered on the call of the calendar. I had, however, done my research on the calendar and had prepared brief statements on certain bills, particularly bills as to which, in the future, some question might be raised as to whether the Morse formula was in any way violated.

Ever since the Morse formula was first made effective, in 1946, I have tried always to make a statement for the RECORD about any bill which involved the transfer of Federal property, setting forth whether the particular bill violated the Morse formula or was in conformity with it.

I shall make brief statements concerning several bills which were passed on the calendar yesterday.

AUTHORIZING THE CONVEYANCE OF CERTAIN LAND IN MACON, GA.

Under the provisions of H. R. 9738, the Secretary of the Navy would be authorized to convey a parcel of land to the city of Macon, Ga., containing 5.39 acres. The land in question was originally conveyed to the Federal Government by the city of Macon. Department of Defense officials have testified that the Department has no foreseeable requirements for the property.

Under the bill there would be no expenditure of Federal funds, and the city of Macon has agreed to pay the fair market value of the property in question. Therefore, I had no objection raised to the bill yesterday.

I commend the authors of the bill and the committee for presenting the bill to the Senate in conformity with the Morse formula.

PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY IN ALABAMA

H. R. 9362 would authorize and direct the Secretary of the Army to convey a parcel of land approximating 3.5 acres at Fort McClellan, Ala., to the George N. Meredith Post No. 924, Veterans of Foreign Wars.

This property is considered surplus to the needs of the Department of Defense. The local post of the Veterans of Foreign Wars has agreed to pay the appraised fair market value for the property. Therefore, Mr. President, I filed no objection to the enactment of the bill.

CONVEYANCE OF EASEMENT TO NORFOLK SOUTHERN RAILROAD CO.

H. R. 8071 if enacted would authorize the Secretary of the Army to convey an easement over property belonging to the United States to the Norfolk Southern Railroad Co. in exchange for other lands. If the 13.4 acres being conveyed by the United States to the railroad company is determined more valuable than the fair market value of the land being received by the United States, the difference shall be paid to the Government.

This arrangement meets the criteria of the so-called Morse formula, therefore, I filed no objection to the bill.

Before I discuss the next bill, I wish to make a comment about the group of bills on the calendar yesterday which conformed to the Morse formula. I do not know what the situation would have been if the Senator from Oregon had not insisted upon the Morse formula in the Senate since 1946, with resulting savings to the taxpayers of a great many million dollars. In fact, the last calculation I saw was to the effect that the Morse formula has saved the taxpayers, since 1946, a little more than $600 million. That is not chicken feed. In fact, I offer it as the result of a one-man economy drive.

But prior to 1946, just such bills as I have mentioned this afternoon did come before the Senate without meeting the requirements of the Morse formula, because prior to that year it was this type of bill, without a compensation feature in it, which was turning Federal surplus property into a politicians' grab bag. Members of Congress were using surplus Federal property as a way of endearing themselves to their constituencies, but to the loss of the country as a whole.

Therefore, it is with pardonable pride that I feel I am entitled to make the observation that the bills on which I have just commented represent, I think, the collection of some dividends in the way of savings, from the application of the Morse formula, of moneys which would have been spent if the practice which prevailed in the Senate prior to 1946 had been applied to the particular prices of property involved in these bills.

RELEASE OF CERTAIN RESERVATIONS RELATING TO LAND IN WISCONSIN

H. R. 7645 would authorize the Administrator of General Services to relinquish title and restrictions to certain property conveyed to the State of Wisconsin at fair market value.

The property was acquired in the first instance by the Government in 1912 for National Guard use. The property has been continuously used for that purpose. Now that the Wisconsin National Guard has rearranged its program, it does not require the use of the acres of land involved in the bill. There is no other military need for this property. The State is prevented from utilizing the property for anything other than training and maintaining units of the Wisconsin National Guard and is desirous of utilizing it for other purposes.

The bill passed by Congress in 1956 provided that the conveyance be without monetary consideration but upon the condition that the property be used for the purpose I just mentioned.

The bill would allow the State of Wisconsin to purchase the property at the fair market value, so that the State can use it for other purposes. Therefore, obviously it does not violate the Morse formula, and I raised no objection to the bill yesterday.

Again, I commend the author and sponsors of the bill, and the committee, as well, for having reported the bill to the Senate in the compensatory form in which it was permitted.

CONVEYANCE OF CERTAIN PROPERTY AND WATER RIGHTS TO WILLIAM M. PROPER

Mr. President, S. 59, Calendar 1544, was not so easy of analysis, with respect to the Morse formula, although, in my judgment, it conformed to the formula, and I raised no objection to the bill. But so that no one may at some time in the future throw it at me and say, "Ah, but there was a bill you let slip through, and about which you said nothing," I shall this afternoon make the statement I would have made yesterday, and which I was prepared to make, if my work on the Committee on Foreign Relations and the Committee on Labor and Public Welfare had not prevented my attendance in the Chamber.

S. 59 would authorize the Secretary of the Interior to convey certain property and water rights to a Mr. William M. Proper without consideration.

According to the committee report, the United States acquired the ditch and water rights involved in this bill in 1888 and was declared to have priority to a certain amount of water in the ditch for the use of Fort Crawford. In 1890 the Army abandoned the fort and the lands within its confines were later patented.

I stress that point. In 1890 the Federal Government abandoned the land, and it ceased to be used for Federal purposes. The Federal Government then authorized the patenting of the land. In other words, it authorized that the land be transferred under patent into private ownership.

The Government has since not made use of the water right, and the patentees used the water until they were halted by the State Water Commissioner because they could not show title to the water.

As a member of the legal profession, I know that sometimes members of our profession are guilty of an oversight. Who among us has not been, in our legal work?

I think it obvious that at the time the action was taken in regard to this piece of property and the water rights attached thereto, legal counsel for the Government suffered from an oversight, because if the Government intended to patent the land, so that it could deprive anyone of ownership, it is, of course, self-evident that it took it for granted that whatever water rights attached to the land would go with the land. Unfortunately, the transfer said nothing about the water rights, and ever since 1890 the patentees have proceeded on the assumption that the land carried with it the water rights, and they have been using the water, only to find a question raised recently concerning the right to use the water rights. So the State Water Commission, as I have said, raised that question, and halted the use of the water.

The reason for introducing the bill was to convey title to the water ditch and water rights without compensation to the Government, because the Government has no foreseeable need for the property.

In my judgment, the Government should be considered as having been estopped by its own course of action in respect to these water rights. I have studied very carefully the record regarding this piece of property and the transactions in regard to it. I am satisfied that when the property was patented for private ownership, it was assumed that the water rights would go with it. Therefore, I think the Government would be in an unconscionable position if now—years and years later; at least 65 years later; in fact, almost 70 years later—it sought to take advantage of what I consider was a legal oversight in 1890, when the property was released for patent.

Also, Mr. President, let me say—as the distinguished Senator from North Carolina [Mr. JORDAN], who now is presiding over the Senate, also is probably well aware—that although the matter of water-right law is, as we say, somewhat singular in the law, and although some of the other real-property doctrines do not necessarily apply to it, nevertheless I believe that in this case we can say that in all equity it can be considered that the patentees—at least in the 65 or more years since 1890—could be considered as having acquired at least some adverse right or interest in the water rights, and that should have estopped the Government from claiming any legal advantage over the oversight in 1890.

Therefore, Mr. President, I come to the conclusion that the bill did not violate the Morse formula, and therefore I raise no objection to the bill.

Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

RESEARCH STUDY ENTITLED "OREGON FARMS GENERATE BUYING POWER"

Mr. MORSE. Mr. President, my attention has been called by Dr. R. W. Henderson, acting director of the Oregon Extension Service, to a research study entitled "Oregon Farms Generate Buying Power," written by Dr. Gerald E. Korzan, a prominent argicultural economist serving with the agricultural experiment station at Oregon State College, at Corvallis, Oreg.

The interrelationships between the agricultural and nonagricultural elements of our economy, in Oregon as elsewhere, have always seemed to me to be of prime importance. It seems to me that in the past, in this area, all concerned have had too much misunderstanding of the many reciprocal relationships and, in fact, the essential interdependence of each upon the other.

Since Dr. Korzan's research should help to dispel misunderstanding in this vital area, I feel that he deserves high commendation. Therefore, I ask unanimous consent, Mr. President, that a news release from the college, which describes his work, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OREGON ECONOMY GETS HALF-BILLION BOOST ANNUALLY FROM FARMS

More than one-half billion dollars annual "buying power" in Oregon's economy has been credited directly to the State's agriculture by an Oregon State College agricultural economist.

Dr. Gerald E. Korzan has completed a study of Oregon agriculture showing that gross farm income plus value added in the first step of marketing contributed $571 million to the State's economy in 1956.

The total does not include important dollar payrolls provided by such activities as wholesaling, transportation, and storage of farm produce en route to retail markets.

The State's 55,000 farmers—about 30,000 of them classed as commercial farmers—received only $94 million of the total as "net income." Farmers paid out $301 million to earn $395 million.

Of the $571 million, $176 million value was added in what Korzan terms "the first step beyond the farm gate." The "first step" included $68 million in direct payroll for canning, freezing, dairy manufacturing, and other methods of processing or handling Oregon's farm output.

The economist estimated that farm production itself generated $79 million of direct payroll—$53 million paid to hired farm labor and $26 million to persons employed by Oregon firms selling farm supplies and equipment of all kinds.

Annual employment, not including farm operators and their families, for production and processing is estimated at more than 40,000 jobs when translated to a full-time basis. This is the total hours of full-time workers and part-time seasonal workers figured in terms of full annual employment.

The seasonal labor payroll carries many advantages for the economy, Korzan explains. It provides summer work for young people and opportunity for homemakers who can spare some time from home duties to earn money for "extras." Processors interviewed in the survey said most seasonal workers employed in their plants were Oregon residents.

Year around employment, however, accounted for the bulk of the total payroll for jobs in such activities as dairy plants, livestock slaughtering and packing plants, and stores handling farm supplies. Fruit and vegetable processing plants, alone, provide about 3,000 full-time jobs.

Snap beans which require considerable processing is an outstanding example of the economic activity generated by a single crop, the economist states. Buying power of Oregon's annual snap bean crop in terms of local jobs and supplies was estimated at $29 million—nearly tripling the $10 million paid to growers. Almost $4½ million of the growers' receipts went for direct payroll in harvesting.

Not included in the $571 million buying power was employment for production of supplies used in processing farm products. Oregon canneries and freezing plants, for example, spend millions of dollars annually for cans and packaging materials. Egg cartons, paper milk cartons, and wooden shipping cartons are also among supplies, most of which are manufactured in Oregon.

Dr. Korzan's detailed study is being published by OSC and is titled "Oregon Farms Generate Buying Power." Copies will be available soon from county extension offices or the OSC bulletin clerk, Corvallis.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1342. An act for the relief of Mrs. Helen Harvey;

H. R. 4215. An act amending sections 22 and 24 of the Organic Act of Guam;

H. R. 4445. An act for the relief of the estate of Mr. Shirley B. Stebbins;

H. R. 6528. An act for the relief of Mrs. Lyman C. Murphey;

H. R. 6765. An act to provide for reports on the acreage planted to cotton, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions, and for other purposes;

H. R. 7645. An act to provide for the release of restrictions and reservations contained in instrument conveying certain land by the United States to the State of Wisconsin;

H. R. 8039. An act for the relief of Edward L. Munroe;

H. R. 8071. An act to authorize the Secretary of the Army to convey an easement over certain property of the United States located in Princess Anne County, Va., known as the Fort Story Military Reservation, to the Norfolk Southern Railway Co. in exchange for other lands and easements of said company;

H. R. 8433. An act for the relief of Captain Laurence D. Talbot (retired);

H. R. 8448. An act for the relief of Willie C. Williams;

H. R. 9012. An act for the relief of Alexander Grossman;

H. R. 9109. An act for the relief of John A. Tierney;

H. R. 9738. An act to authorize the Secretary of the Navy to convey to the city of Macon, Ga., a parcel of land in the said city of Macon containing five and thirty-nine one-hundredths acres, more or less; and

H. J. Res. 586. A joint resolution to authorize the designation of the week beginning on October 13, 1958, as National Olympic Week.

ADJOURNMENT TO MONDAY

Mr. MORTON. Mr. President, in accordance with the order previously entered, I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m.), the Senate adjourned, the adjournment being, under the order previously entered, to Monday, May 26, 1958, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 22, 1958:

IN THE COAST GUARD

Rear Adm. Edward H. Thiele to be engineer in chief of the United States Coast Guard, with the rank of rear admiral, for a term of 4 years.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 22, 1958:

POST OFFICE DEPARTMENT

Herbert B. Warburton, of Delaware, to be General Counsel of the Post Office Department.

MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Andrew McCaughrin Hood, of the District of Columbia, to be an associate judge of the Municipal Court of Appeals for the District of Columbia for a term of 10 years.

POSTMASTERS

ALABAMA

John Lee Betts, Monroeville.
Marvin E. McKee, Pinson.

ARIZONA

Albert H. Salem, Sacaton.

ARKANSAS

Donald H. Travis, Judsonia.
James R. McClure, Nashville.
Gertrude A. Hargis, Okay.
James H. Creed, Rison.
Chester A. Garrett, State Hospital.
Norman L. Wilson, Stephens.

CALIFORNIA

Glenn L. Thomas, Baker.
Carroll N. Clark, El Portal.
David H. Axtell, Fontana.
Benjamin P. J. Wells, Goleta.
Reba L. Guerrettaz, Orick.
Valate T. Eliason, San Quentin.
Cecil H. Murley, Taft.
Eleanor J. Covey, Woodacre.

COLORADO

Iven K. Clarke, Dupont.
Leon V. Beck, Fleming.
Robert W. Martin, Fort Morgan.
Franklin B. Sample, New Castle.
Lloyd W. Anderson, Otis.
Herbert L. Richards, Silt.
Clarence M. Godfrey, Walsh.
Harry B. Casten, Windsor.

CONNECTICUT

Jack A. Vaccarelli, Danbury.
Richard J. Scully, Riverside.

FLORIDA

Charles H. Watson, Homosassa Springs.
James W. Cobb, Nokomis.
Howard O. Guthrie, Parrish.
Walker A. Stanley, Ponce De Leon.

GEORGIA

Vernon W. Hartley, Sr., Alamo.

ILLINOIS

William T. Keenan, Alexander.
Carl M. Crowder, Bethany.
Wilbur C. Schwark, Bonfield.
Walter B. Tregoning, Carterville.
Leslie E. Smith, Colusa.
Homer T. Smith, Erie.
Charles W. Merriman, Fillmore.
Harold J. Larey, Galena.
Ernest Evar Swanson, Galesburg.
Arnold E. Lewellen, Gilman.
Floyd S. Rollinson, Kell.
John M. Allbright, La Grange.
Roy E. Thomas, Marengo.
Arthur Funk Lee, McLean.
Anthony J. Zucco, Mount Zion.
Dale V. Cline, Mulberry Grove.

Maxine S. Hayward, Olivet.
Chester C. Scott, Osco.
John E. Holden, Schiller Park.
Randall D. Page, Sesser.
Angus Keith Phillips, Shawneetown.
Randall F. Tevis, Smithboro.
Larry E. Myers, Tampico.
Charles L. Baird, Van Orin.
James C. Thompson, Warsaw.
Dwight S. Leverton, Winslow.
Ardelle H. Hanski, Worth.
Thomas B. Malone, Wyoming.
Raymond J. M. Howard, Yale.
Russell C. Spice, Zion.

INDIANA

Geraldine M. Johnson, Ashley.
James R. Davis, Flora.
Gerald W. Scott, Floyds Knobs.
Harold E. Stroud, Keystone.
Lowell M. Roose, Nappanee.
Elmer J. Glick, Shipshewana.
Charles W. Hudson, Solsberry.
Arch Ralph, Sullivan.
Wesley William Mack, Wanatah.

IOWA

Earl J. Penney, Ames.
Floyd H. Millen, Farmington.
Roy H. DeWitt, Griswold.
Dwight R. Aschenbrenner, Laurens.
Harold J. Millwright, Maquoketa.
Richard M. Fry, West Burlington.

KANSAS

Clarence J. Wassenberg, Marysville.
Roger R. Unruh, Pawnee Rock.
Charlie C. Springer, Prescott.

KENTUCKY

Shirley H. Ashby, Auburn.
Helen Hill, Hillsboro.
Carl B. Marshall, Lewisburg.
Walton W. Buckman, Simpsonville.

LOUISIANA

Dosia M. Hood, Elton.
Robert J. Rossi, Gonzales.
Johnie H. Mitcham, Leesville.
James E. Fogleman, Morrow.
Robert H. Welch, Robeline.
Myra H. Doughty, Tioga.
Eck H. Bozeman, Winnfield.

MAINE

Henry A. Shorey, Bridgeton.

MARYLAND

Franklin B. Spriggs, Arnold.

MASSACHUSETTS

Joseph H. Nolan, Lenox.
George Treat Harriman, North Carver.
Thomas W. Ackerson, Wakefield.
Cecil H. Evans, West Hanover.

MINNESOTA

Kenneth E. Jerdee, Ada.
Henry Bakker, Jr., Ah-gwah-ching.
Norton M. Sorenson, Amboy.
Ralph Dean Fischer, Brook Park.
William D. Cook, Farmington.
Fay F. Smullen, Le Center.
Ivan P. Twamley, St. Vincent.
Albert Pederson, Spicer.
Wayne L. Altermatt, Wanda.

MISSISSIPPI

Joseph D. Buckalew, Richton.

MISSOURI

Doyle L. Scott, Armstrong.
Harry L. Hibbard, Gilliam.
William P. Graham, Hawk Point.

MONTANA

Russell N. Grunhuvd, Hysham.

NEBRASKA

Charlie N. Umphenour, Harrison.

NEVADA

Florence J. Holman, East Ely.

NEW HAMPSHIRE

Carl D. Floyd, Derry.
Jessie G. Thompson, Moultonboro.
Herbert N. Smith, Mount Sunapee.

NEW MEXICO

Rita L. Pena, Encino.

NEW YORK

Doris J. Hammond, Millport.
Warren B. Lucas, North Salem.
Frank E. McGrath, Jr., Port Chester.
Hollis A. Wilson, Pulaski.
Ralph A. Doty, Silver Creek.

OHIO

Paul R. Day, Atwater.
Smith B. Applegarth, Barton.
Martin Marshall Miller, Franklin.
Ralph J. Huff, Fredericktown.
Paul L. Sailor, Jackson Center.
Edward Seymour Ullum, Lebanon.
Luster M. Barlow, Liberty Center.
Frances M. DeFosset, Loveland.
Estella E. Ford, New Weston.
Lilla M. McAfee, Owensville.
Raymond L. Brooks, Plymouth.
Margaret A. Stanford, Randolph.
Philip Milton Tozzer, Ross.
Lester L. Stearns, Sherrodsville.
Kathryn B. Thomas, Valley City.
Helen L. Pratt, Woodstock.

OKLAHOMA

Charles B. Smith, Barnsdall.
Frank H. Hawkins, Blair.
Lora A. S. Workman, Caney.
Albert S. Bowerman, Cement.
Omer Lee Wauhob, Fargo.
Walter G. Enfield, Jefferson.
Harriet T. Howard, Keystone.
Lorene P. Ricks, Manchester.
Ray K. Babb, Jr., Mangum.
Doy McLain, Pocasset.
John W. Henderson, Tulsa.

OREGON

Ivan A. Olsen, Madras.
Bernice I. White, Parkdale.

PENNSYLVANIA

Francis C. Uffleman, Bakerstown.
Thomas G. Nestor, Brownfield.
Vida C. Rodham, Chinchilla.
John G. Davidson, Christiana.
Albert Thomas, Clarksburg.
James George Lindsay, Cochranville.
George D. Headrick, Colver.
Ethel J. Nelson, Cooperstown.
James H. Hulak, Danboro.
Mae A. Kester, East Texas.
Robert A. Bushyeager, Girard.
Victor R. Alderfer, Harleysville.
William J. Stivison, Homer City.
Edmund B. Hebrank, Jeannette.
John W. Aungst, Jr., Landisville.
Bertye A. Boorse, Montgomeryville.
Nellie A. Fish, Nelson.
Marion J. Brown, Oxford.
Everett Willard Anderson, Port Allegany.
Orpha G. Leitzel, Richfield.
George F. Yedlicka, Rillton.
John M. Fox, Shanksville.
Horace S. Glover, Starrucca.
Paul Eugene Ribble, Stillwater.
Sophie D. Scipione, Tire Hill.
Richard Edwin Snell, Towanda.
Noah W. Nase, Tylersport.
Richard E. Sayres, Willow Street.

RHODE ISLAND

Richard M. Stanton, Wood River Junction.

SOUTH CAROLINA

Harold J. Snyder, Buffalo.
Clarence C. Phillips, Jr., Central.
James F. Huiet, Trenton.
Alfred O. Johnson, Wellford.
John Homer Ford, Williamston.

SOUTH DAKOTA

Wayne A. Nelsen, Lake Andes.

TENNESSEE

Eugene S. Mitchell, Limestone.
William Hal Redmond, Maury City.

TEXAS

Ernest H. Butts, Annona.
Joseph P. Hutton, Canadian.
Marion B. Bone, Colleyville.
D. L. Stoker, Jr., Crowley.
Vernon J. Burns, Ingram.
C. G. Twilley, Irving.
Verner O. Salmon, La Pryor.
Billy Wayne Newman, Moody.
Homer B. Copeland, Palmer.
Neda C. Holt, Pyote.
George W. Kemp, Richardson.
Jimmy Reid Simmons, Rockport.
Alda R. McDougal, Smyer.
Ila B. Hulme, Stowell.
Herman W. Hawker, Teague.
Frederick H. Pearce, Sr., Thorndale.

VERMONT

Sadie R. Hamilton, Cuttingsville.
George O. Rivard, Richmond.

WEST VIRGINIA

Charles Manning Smith, Charles Town.
William A. Swearingen, Parkersburg.
Leon D. Rishel, Spencer.

WISCONSIN

Lucille M. Radtke, Embarrass.
Ruben G. Duchow, Potter.
Vaughn W. Biles, Stockholm.
Marcella M. Wilke, Zachow.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 22, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Proverbs 29: 18: *Where there is no vision, the people perish.*

Almighty God, in these days of tension and trial, of strain and struggle, of crisis and confusion, we are praying especially for our own beloved country.

We penitently confess that materialism, as a habit of life, seems at times to have a greater hold upon us than ever before.

Help us to see how appalling and inevitable our loss will be if we fail to be a Republic whose God is the Lord.

Grant that the ideals and principles, the hopes and aspirations of our citizens may be more divine in character, lest we go down in darkness and defeat.

Show us how we may cast off and crucify everything that is alien to the spirit of our blessed Lord who made the doing of Thy will the supreme purpose and passion of His life.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following titles:

H. R. 6765. An act to provide for reports on the acreage planted to cotton, to repeal the prohibitions against cotton-acreage reports based on farmers' planting intentions, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H. R. 1061. An act to amend title 10, United States Code, to authorize the Secretary of